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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of time and eternity, use our lawmakers today as instruments of Your will. Give them the wisdom to turn from every thought, word, and deed that weakens instead of strengthens. Lord, help them to desire to be people of integrity, individually and corporately. May this be a day when our Senators serve You with gladness because Your joy has filled their hearts.

Lord, all nations are Yours. Help us to trust You to rule our world.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 3, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Following leader remarks, there will be a period of morning business, with Senators allowed to speak for up to 10 minutes each.

Last night, I filed cloture motions on two tax cut amendments. Those votes are expected to occur tomorrow. Senators will be notified when those votes are scheduled. I have not had the opportunity to meet today with the Republican leader. We will try to set up those votes at a convenient time tomorrow, as convenient as possible.

MIDDLE-CLASS TAX CUTS

Mr. REID. Mr. President, I had hoped we would be able to come to agreement with Republicans to hold votes today to protect middle-class families. But the Republican caucus would not agree, so we will have a series of votes tomorrow on the tax rates set to expire at the end of this month.

Democrats' priorities are clear. We are protecting middle-class families every way we can. Tomorrow's votes will show where Republican priorities are and where ours are. Those votes will clearly demonstrate who supports the middle class, and that includes every Senator.

The minority can spin any way they want what has taken place over the last 24 hours. They can pretend giving the rich tax breaks creates jobs, even though we know from the past decade that it does not. If that were the case, the economy would be booming, except during the last years of the Bush administration, when those tax cuts were in effect, we lost 8 million jobs. They can pretend we can afford to give billionaires another handout, even though we know we can't. But no matter how many times you pretend, it doesn't make it true. The truth is simple: Holding middle-class tax cuts hostage for tax breaks for the wealthy that they don't need and we cannot afford is irresponsible.

A lot has been written about the letter that 42 Republican Senators sent me a couple days ago. Maybe it is news that they put it in writing, but that is all that is new about it because, as the Presiding Officer knows, everything we have tried to do legislatively this year has been stymied, stopped with filibusters, well more than 100. Republicans have been holding good legislation hostage for 4 years—important bills, noncontroversial bills, every bill. That is why we have a lameduck session with such a long to-do list.

Interestingly, I heard one Republican Senator, my friend, the senior Senator from Tennessee, say: The majority leader fills the tree. They have had lots of opportunities to offer amendments. The problem is, it is not the offering of amendments. We will allow them to offer amendments, but they are not satisfied with that. They want the results. They are not willing to offer an amendment they may lose. They are only willing to offer amendments they want to win. If they don't win them, then they stop everything. That isn't the way it has been done around here, and it should not be done in the future that way.

Since they sent me that letter, a lot of focus has been on the political impact of this game. I am more interested in the impact on the people I represent than the political games being played.

When Republicans take their ball and go home, here is what happens: More than 83,000 Nevadans who are jobless and looking for work will lose their unemployment insurance over the next

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

year. The Council of Economic Advisers predicted that will cost the country 600,000 jobs.

What else happens? A treaty that will make Americans safer goes nowhere, a treaty supported by the entire military leadership and endorsed yesterday by the Secretaries of State of the last five Republican Presidents. Without the START treaty, there are more nuclear weapons than there should be, we know less about the Russian nuclear arsenal than we need to, and Americans are less safe.

Here is one more consequence of the Republican ultimatum: Thousands of first responders who rushed to Ground Zero on 9/11 got terribly sick from the toxins there. The longer Republicans stall, the longer these heroes have to wait for the health care and compensation they deserve.

Why are tens of thousands of unemployed Nevadans at risk of losing their lifeline? Why is Nevada at risk of losing jobs when we are desperate to create them? Why is the START treaty stalled? Why are the 9/11 heroes still sick with nowhere to turn? Each of these questions has the same answer—because Republican Senators want to give their richest friends a tax break they don't need, many don't want, and none of us can afford.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. REID. I suggest the absence of quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent to speak in morning business for as much time as I consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, would my friend, the distinguished chairman of the Finance Committee, yield?

Mr. BAUCUS. Sure.

The ACTING PRESIDENT pro tempore. The majority leader.

VOTES TOMORROW

Mr. REID. Mr. President, I think it is appropriate that everyone be notified there will be no rollcall votes today. We are still working on what time it will be tomorrow. But we, as everyone knows and I have said here—this is the third time—we were within inches of having something worked out on having votes today, but for reasons I do not fully understand, the Republicans did not agree to that at the last minute, and now we have to figure out what time we are going to vote tomorrow. If we cannot work it out by consent, then, of course, we will do it 1 hour after we come in, which is the rule. We have competing interests. We have people who want it late tomorrow. We have people who want it early tomorrow. So we will try to see what we can do to work through that.

Again, I appreciate my good friend for yielding.

Mr. BAUCUS. Mr. President, I thank the leader for all his very hard work. Nobody is working harder than the leader to try to work out the schedule so we can address these issues, and we all thank him.

MIDDLE-CLASS TAX CUTS

Mr. BAUCUS. Mr. President, the textbook definition of ''economics'' is about scarcity. For example, in his textbook ''Principles of Economics,'' President Bush's chief economic adviser, Gregory Mankiw, wrote this:

> Economics is the study of how society manages its scarce resources.

We could say the same thing about fiscal policy. Fiscal policy is about how society, acting through its government, chooses to allocate scarce resources. There is not an endless supply of money. We have to make choices. Every time we put together a budget, we have to make choices. Every time we formulate the Nation's tax policy, we have to make choices.

So when it comes to whether to extend the 2001 tax cuts, once again, we have to make choices. It is a question of priorities. The debate over what to do about the 2001 and 2003 tax cuts for those with the highest incomes is a debate about priorities.

Are we better off devoting scarce resources to a larger tax cut for those at the very top or are we better off devoting those scarce resources to new tax incentives to promote investment and create new jobs or are we better off devoting those scarce resources to reducing the Federal budget deficit and debt? Those are the choices we need to make.

Today, the Senate is considering how we should make those choices. The amendment we have offered says basically: Let's make the middle-class tax cuts permanent. That is something on which pretty much everyone in this Chamber should agree. After we have cut taxes for middle-class Americans, then let's have an honest debate. Let's debate whether extending tax cuts for the very top incomes is the right priority.

But, in any case, making middle-class tax cuts permanent is the right thing to do. Let's not allow tax cuts for middle-class Americans to be held hostage to partisan wrangling about tax cuts for those who make the very most.

So how did we come to this choice? Let me take a few moments to review how we got here.

In 2001, Congress enacted legislation to let American families keep more of their money. Many of these tax incentives were phased in over several years. In 2003, Congress enacted legislation adding new tax incentives and speeding up implementation of the 2001 law.

The 2001 and 2003 tax laws lowered tax rates for all taxpayers, and those laws provided much needed tax relief for families, education, and small business. Many of these tax provisions have broad support across the political spectrum. But these tax benefits are not permanent. Beginning on January 1, all these 2001 and 2003 tax cuts expire, even those for Americans who need them the most.

At the same time, the Federal debt is at its highest level since shortly after World War II, and our fiscal challenges are growing with the retirement of the baby boom generation. The amendment we consider today responds to both these challenges.

So what would our amendment do? First, our amendment would extend tax cuts for middle-class American families. Our amendment would permanently extend the lower tax rates for income up to $250,000 for married couples and $200,000 for individuals.

Extending these lower tax rates would benefit all taxpayers—all taxpayers—including higher income taxpayers. In fact, higher income taxpayers would receive the largest tax benefits in terms of dollars per taxpayer. That is, of course, because we have our marginal tax rate system in America. So making the tax cut permanent for all taxes of Americans below $250,000 will benefit all Americans—not only those below $250,000, but those above $250,000, will, under this amendment, get a benefit. As I said, in fact, higher income taxpayers receive the largest tax benefits in terms of dollars per taxpayer, even under the $250,000 amendment.

Our amendment would make permanent the provisions that help working families with children. The number of people living in poverty is at a 15-year high. One out of every five American children lives in poverty. Many of these provisions in our amendment would help keep children and their families out of poverty.

The amendment would make permanent the expanded earned-income tax credit for families with three or more children. The increased tax credit provides more help to families with children. The partially refundable portion of the credit allows families to receive a benefit even when their tax liability is low, as long as the family has earned income of more than $3,000.

This credit helps to support 13 million children in low-income working

families every year. These families are likely to spend every dollar they receive right away. That means this provision would also help the economy.

The increased dependent care credit recognizes the increased cost of childcare for working families. People should be able to go to work and have the quality care they need for their children. In 2008, the dependent care credit helped more than 6.5 million working families to make ends meet.

Our amendment would make permanent a tax benefit for employers who construct, build or expand property used as a childcare facility. This benefit recognizes the contribution that some employers make to help their employees balance child-raising and a career.

The amendment would provide permanent marriage penalty relief. That way, married couples would not get higher taxes as an added wedding present.

The amendment would direct that certain government programs disregard refundable tax credits when determining eligibility for the programs. This would ensure that America's most in need would not be worse off because of tax incentives. We don't want to give with one hand and take away with the other.

Our amendment also addresses the importance of getting a quality education and the increased cost of getting an education. Our amendment would make it easier to deduct student loan interest, to eliminate the restriction on the number of months eligible for the deduction, and it would expand the eligibility to more postgraduates. Our amendment would make permanent the American opportunity tax credit. This would help students to afford a higher education. This provision is a partially refundable tax credit up to $2,500 of the cost of tuition and fees, including books. The amendment includes an income exclusion for loan repayment for programs where a postgraduate becomes a health professional in an underserved area. The amendment would include continuing education for workers by allowing an exclusion from income for employer-provided educational assistance programs.

What do we do about capital gains and dividends? Right now, capital gains are currently taxed at a maximum rate of 15 percent and dividends are treated as capital gains. This treatment expires at the end of this year. Starting January 1, unless we act, capital gains will be taxed at 20 percent and dividends will be treated as ordinary income.

Our amendment would make permanent the current capital gains rate for taxpayers with incomes up to $250,000 for married couples and up to $200,000 for individuals. The amendment continues to treat dividends as capital gains for all taxpayers, so dividends would not be treated as ordinary income for any taxpayer. This would level the playing field. This would ensure that the Tax Code will not favor one type of investment over the other.

What do we do about the alternative minimum tax? Our amendment would provide 2 years of relief from the AMT. Every year, we talk about the AMT and how it ensnares hard-working Americans. Originally, Congress created the AMT to stop—get this—just 155 millionaires from completely avoiding income taxes. That was the point of the AMT. It was an attempt to make sure all taxpayers paid their fair share. What about today? Now, millions of hard-working families are subject to this dreadful tax—not 155 millionaires but millions of people—families who are working hard, raising children, and find themselves hit with increased taxes. We are not talking about millionaires; we are talking about a larger group of Americans. AMT has this effect because it was not indexed.

To keep the number of taxpayers subject to this tax from growing, Congress has to pass an AMT patch every year. Without an AMT fix, the number of taxpayers subject to the tax would explode. In Montana, Congress's failure to enact a patch would mean that more than six times as many taxpayers would have that burden.

Our amendment would take care of the AMT for 2010 and 2011. During that time, Congress can deal with this stealth tax once and for all as part of tax reform.

What about small business? Our amendment would benefit small business owners by making permanent the 2007 expansion of section 179 expensing.

What about the estate tax? Our amendment would provide permanent estate tax relief for family-owned businesses. In 2001, Congress voted to provide estate tax relief to American families. We decreased the rate and increased the exemption over time, until we had complete repeal for 2010 only. That is what we have today, in 2010. Next year, if we don't act, the law will snap back up to the old 2001 rate. This has resulted in uncertainty and a planning nightmare for families. Our amendment would eliminate that uncertainty. The amendment would make permanent 2009 estate tax law going forward. It would set the top tax rate at 45 percent and the exemption at $3.5 million per person, which obviously amounts to $7 million per couple.

The amendment includes an election for estates that arose between January 1 and the law's enactment. The heirs would be able to choose either current law or the new permanent tax rate and exemption.

Our amendment would provide an exemption for family ranches and farms. This provision would ensure that no family farm or ranch ever has to be sold to pay estate taxes.

Our amendment would simplify planning for spouses. Most people believe that a couple automatically receives double the exemption amount. So if an exemption is $3.5 million, most folks assume that a couple gets $7 million. But what many people don't know is that to get the full $7 million exemption, couples have to plan. Our amendment would simplify planning for spouses by allowing the transfer of any unused exemption between spouses. This would make the law work the way most people think it works already. The resulting estate tax law would provide certainty to taxpayers, and the remaining estate tax would affect only the heirs of the very largest estates. It would ensure that the small number of people who inherit so much money that they never have to work during their life would contribute their fair share.

What about the provision that folks call tax extenders? Our amendment would extend a number of other tax provisions important to individuals, businesses, and State and local governments. These provisions will continue to help create jobs and pay taxes. Our amendment would create jobs by improving our Nation's infrastructure. It would reduce the cost to local governments to build roads, bridges, and water treatment facilities. The amendment would extend multiple incentives that promote energy sustainability and efficiency. The amendment would extend the dollar-per-gallon credit for biodiesel and renewable diesel, and the amendment would extend the manufacturer's credit for the construction of new energy-efficient homes.

The amendment includes a credit for energy-efficient appliances and a credit for alternative-fuel motor vehicles. The amendment includes an extension of the advanced energy investment credit for businesses engaged in the manufacturing of technologies for the production of renewable energy and energy storage, and the amendment provides parity for transit benefits so that employers can provide tax-free benefits to their employees for both transit and parking.

Our amendment would extend a number of tax cuts for individuals, including an extension of the making work pay credit—very stimulative. It helps the economy dramatically, and if it is not in here, it will be destimulative and hurt the economy.

Our amendment would help teachers by extending the expense deduction for teachers who buy school supplies for their classrooms. The amendment would extend the additional standard deduction for State and local real estate taxes as well as the ability of itemizers to deduct sales taxes in lieu of State and local income taxes. Our amendment would extend the qualified tuition deduction to help with college costs.

This amendment would extend much needed relief for communities that have suffered from natural disasters.

Our amendment would extend important business tax provisions to help create jobs and make our companies competitive in a global economy. The amendment would extend the research and development credit to help American businesses keep on the cutting edge.

Our amendment also includes a provision that will help small businesses across our country. The provision would repeal an expansion of information reporting rules that was enacted this past year, otherwise known as 1099. Those rules expanded current information reporting requirements to include payments businesses make to corporations and payments for goods and property, not just services. This provision, known as the 1099 provision, imposes a record-keeping burden on small businesses that would take away from the time business owners need to expand their business and create jobs. This information reporting went too far, especially in this difficult economy. It is important that we repeal this expansion of information reporting.

Now, some will say that we should extend tax cuts for everyone, even the very rich. America is working through tough economic times. At the same time, our country has record deficits. Our amendment would balance these two concerns. Our amendment would extend all the tax cuts affecting middle and lower income Americans that Congress enacted in 2001 and in 2003 that sunset this year. Our amendment would also extend several expiring tax cuts benefiting middle and lower income Americans that Congress enacted in 2009. Our amendment would protect Americans who have been struggling to get by.

Our amendment would also benefit taxpayers with higher incomes. The cuts in our amendment apply to all of the income up to $200,000 for individuals and $250,000 for couples even if the taxpayer makes more than that. At the same time, we crafted our amendment with recognition of the mounting deficits our country faces.

Our amendment would not rely on the gimmick of temporarily extending tax cuts in order to mask their size, knowing that future Congresses will be unable to resist the temptation to keep extending these cuts. It is about priorities. Our amendment makes choices.

Our amendment would not make permanent all of the expiring tax cuts that Congress enacted in 2009. It would not make permanent tax cuts that benefit only those Americans who need them the least. Only 3 percent of Americans have incomes greater than $250,000 for couples or $200,000 for individuals.

Over the past quarter century, the average after-tax income of the wealthiest 5 percent has grown 150 percent.

At the same time in the past quarter century, the average after-tax income of middle-class Americans has grown by only 28 percent. So 150 percent for the top 5 percent—the wealthiest—and only 28 percent for middle-income Americans. Today, the bottom 80 percent of households receive less than half of all after-tax income. The benefits of recent economic growth have not been widely shared, so the middle class should not be asked to tighten their belts as much as the high-income folks who have benefited the most.

As we come out of the great recession, we need to recognize the growing Federal budget deficit. In 2010, the deficit was $1.3 trillion. That is the second highest level relative to the size of the economy since 1945. This was exceeded only by 2009's $1.4 trillion deficit—$100 billion more—and the Congressional Budget Office projects that deficits will remain high for the rest of the decade. That means the Federal debt will keep growing.

When we passed the 2001 tax cuts, the Federal Government was running a surplus. When we passed the 2001 tax cuts, economists projected big surpluses as far as the eye could see. Times have changed. We need to consider our current fiscal condition. With 15 million Americans still out of work, it is important that we keep our economy on the path to recovery by extending tax cuts for families who need them the most and who will spend it.

Our amendment strikes the right balance. It is a question of priorities. Our amendment says that we should not devote scarce resources to a larger tax cut for those at the very top. Our amendment says that we would be better off devoting those scarce resources to new tax incentives that promote investment and create new jobs or we would be better off devoting those scarce resources to reducing the Federal budget deficit and debt. Those are the choices we have to make.

Our amendment says: Let's make the middle-class tax cuts permanent. Our amendment says: Let's not allow tax cuts for middle-class Americans to be held hostage for tax cuts for those who make the very most. There is not an endless supply of money. We have to make choices.

I submit that these are the choices we need to make. I encourage my colleagues to support our amendment.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

Mr. BAUCUS. Mr. President, I suspend my request.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

UNEMPLOYMENT INSURANCE

Mr. BROWN of Ohio. Mr. President, I thank the senior Senator from Montana, who laid out exactly why his efforts to extend the Bush tax cuts to the middle class up to $250,000 and to not extend them beyond that is the exact right public policy. It is good fiscal policy. It is good economic policy. It is good for our country. It is exactly the right thing to do. I thank him for his explanation of including the earned-income tax credit, which is the best tax incentive to help people who are working hard, playing by the rules, making $20,000 to $30,000 a year, get a much fairer tax—really encouraging work the way the IETC does.

I also thank the chairman of the Finance Committee, the senior Senator from Montana, for including the unemployment insurance in this because 85,000 Ohioans have lost their unemployment insurance. These are people—or many of them are, as I have read letters on the Senate floor and will read a couple today—who have worked for 20, 30, 40 years and simply can't find a job.

There are five people applying for every one job opening in my State and in this country. It is so important that these people continue to get some assistance. In spite of what some of my Republican colleagues suggest, unemployment insurance is insurance, not welfare. Their employer, on their behalf, pays into the unemployment insurance fund in their States. When they lose their jobs, because it is insurance, they should get assistance. It is like fire or health insurance. You don't want to use it, but you want it to be there if you need it. That is why it is so important. I appreciate Senator BAUCUS's discussion of why this is the right policy.

Before I read some letters from people about unemployment benefits, I want to talk about why that is the right policy. The Bush tax cuts primarily went to the wealthy in 2001 and 2003. As Senator MCCASKILL said, it was an experiment. For 10 years, we tried to see if this worked. I didn't support that when it passed in the House many years ago because I thought they were tilted toward upper income people and not focused on the middle class. So it was an experiment in many ways where major tax breaks were given to the rich, and according to the so-called trickle-down economic theory, they would hire people and much would trickle down and they would provide jobs and strengthen the middle class.

What we saw during the Bush 8 years as the main thrust of the economic policy was the tax break for the rich. That was the stated policy; that if we cut taxes enough on the wealthiest Americans, it would drive the economy forward. But we know that in those 8 years of the Bush administration there was a 1 million net job increase, not enough to provide jobs to keep up with the growing population or not enough to provide jobs for the kids coming out of high school or those leaving the Army or those coming out of college.

So it is clear the experiment failed. They cut taxes for the rich and there was only a 1 million increase in jobs. It didn't work.

Look at the 8 years before that, the Clinton years—and these are facts, not opinions—where President Clinton did a mix of tax cuts, tax increases on the wealthy and spending cuts, and he balanced the budget. We ended up with a 22 million job increase with that economic policy, which we want to follow today, versus a 1 million job increase, which was not even enough to keep up with the growing population with the Bush economic policy.

It is clear what this means—not to mention what Senator BAUCUS pointed

out too. We are, in essence, borrowing $700 billion from the Chinese to pay for these tax cuts. That is where we borrow a lot of money. We are talking about borrowing $700 billion and putting it on a credit card for our children and grandchildren. The pages sitting here will get to pay off that $700 billion in tax cuts for the rich, and then the $700 billion is given to the wealthiest taxpayers. So they want to borrow from China, charge it to our children and grandchildren, and give it to millionaires and billionaires.

What kind of moral policy, let alone the bad economic policy, is that? It is bad fiscal policy to do anything but tax cuts for the middle class. It is bad economic policy. It is not fair to our children and grandchildren.

Also, I will make a comparison in this bill between unemployment benefits, extending and maintaining unemployment benefits to the 85,000 families in Ohio who found out 2 days ago their unemployment insurance was no longer. Some of those families will lose their homes, and a father will have to sit down with his 12-year-old daughter and say: Honey, we are going to lose this house and move somewhere else. The child will say: What school district are we going to be in, Dad? He would say: I don't know yet.

We know the hardship this will create if we don't extend these benefits. These people want to go back to work and they are trying to find jobs, but there are not enough jobs out there. They need money for gasoline to drive around and look for jobs, and they need all these things just to stay alive and have a decent standard of living. But take the money in the unemployment extension—as JOHN MCCAIN's chief economic adviser during his 2008 campaign said, $1 put into unemployment benefits of a person in Zanesville or Lima or Hamilton, OH, that father or mother, that man or woman will spend that money because they need to. They need to buy shoes for their kids, food for themselves; they need to heat their homes and put gas in their cars. That money will be spent. Every dollar you put into unemployment generates $1.60 in economic activity, and that will create jobs.

Conversely, a dollar in tax cuts for the wealthy—a dollar that goes to a millionaire—what are they going to buy that they are not already buying? They meet their needs. They have millions of dollars at their discretion to do it. They are not going to buy more food or go to a fancy restaurant or take an extra vacation. They have the money they need. That $1 going to the wealthy, according to the analysis of JOHN MCCAIN's chief economic adviser, ends up generating about 30 cents in activity and creating significantly fewer jobs.

I want to read a couple of letters from people in my State of Ohio about what this legislation means in terms of unemployment benefits.

This is from Shanata from Montgomery County, in the Dayton area:

I have been out of work since February and have been receiving unemployment benefits. I am 36 years old and have been working since I was 16.

This is par for the course in the letters we get. These people have been working hard since a very young age.

I have applied for 100 jobs in the past month alone, and have found absolutely nothing. If unemployment stops, I will have even less. I am in school full-time, but I know that I can't return in January since I will have absolutely no way to pay my bills. Unemployment is not allowing me to go on trips, eat out every day, shop 'til I drop, or anything else frivolous. I just need to keep a roof over my head and food in me and my daughters' stomachs. Please work diligently to help extend unemployment for those who will have nothing without it.

This is Dagney from Lorain County, my home county, between Cleveland and Toledo:

Please, Senator, please do everything you can to get the unemployment extension passed. I have been unemployed for more than a year and have not found a job yet. We are two months behind on our mortgage and I am so afraid we are going to lose our house. We have exhausted our savings and my husband is off work too due to an accident. I am so worried. Please help us.

This is from Carol from Summit County, in Akron:

I am writing for myself and thousands of other unemployed Ohioans whose unemployment benefits are running out. We need help.

Mr. President, again, 85,000 families lost their benefits in my State alone three nights ago.

I am 61 years old and have been on unemployment since June 2010 and my benefits run out December 20. There are no extensions at this time and there are no jobs for a senior citizen with over 40 years of work experience. Believe me, I have tried everything from Walmart to McDonalds. I have no savings and lost what little retirement I had a couple years ago with many others. I'm not asking for a handout—just some help until the job market picks up out here. Please encourage Congress to provide at least one more extension—without it, many Ohioans will be destitute. I never thought when I was raising my family as a single mom that I would find myself in this position at this age.

I know my colleagues want to do the right thing. I believe even those who vote no on everything that I believe in, I think they want to do the right thing. I just wonder—I know they get letters like this because every one of us—whether you are in Missoula or in Eugene or in Dayton, every one of us gets letters from constituents in our States who are hurting, even in States that have pretty good economies. I don't know if they don't read them or if our colleagues never meet people like this. I assume our colleagues probably don't visit food pantries as I do, but some of my other colleagues do and hear the stories. I don't know that I have been to a food pantry in the last 2 years where I don't hear a volunteer—and most of them are staffed by all volunteers—or a paid director say: You know, see those people over there? They used to bring food in, and now they are picking up food. That is the story I hear time after time.

I don't think my colleagues are hard hearted or callous. I just wonder if they know, or if they are hearing from, people like Carol and Shanata and Dagney, or if they are not visiting food pantries and stopping at a union hall and talking to an out-of-work carpenter or a laborer who hasn't been called to a worksite for 7 or 8 months.

I have said to the majority leader that I think we should stay here until New Years. I would rather be home with my family; family is very important to me. But if we don't continue these unemployment benefits, we are going to ruin the holidays for those 85,000 Ohioans—and that number keeps growing—so we don't deserve much of a holiday either if that is the best we can do.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

BAUCUS TAX PROPOSAL

Mr. BINGAMAN. Mr. President, let me start by thanking Senator BAUCUS for putting forward his proposal on tax issues. It is a responsible course for us to follow. It is one I can vote for without reservation.

He is basically saying: Look, let's ensure the first $250,000 that is earned by any and all Americans in this next year will be subject to the lower tax rates that were put in place during President Bush's time in office—the tax rates that were adopted essentially in 2001. Of course, it also contains other very useful provisions to reinstate the estate tax at a reasonable rate, with a significant amount exempted from the estate tax. It has provisions for energy tax—the extending of energy tax provisions, which I think are very important to the country. But we had a hearing yesterday in the Finance Committee. I am privileged to serve on that committee that Senator BAUCUS chairs. We had a very good hearing on the whole issue of Federal revenues and outlays. I thought some useful information came out there. I was able to speak very briefly with Doug Elmendorf, the head of the Congressional Budget Office. I was particularly impressed with one chart he presented in his materials. I have made a copy of that, essentially, that I want to go through and explain because I think it puts this entire discussion into context.

This chart shows what has happened with both outlays—and that is the light blue line—and revenues—the darker black line—outlays and revenues of the Federal Government for a 40-year period starting in 1970 and ending, essentially, right now. One useful thing about the chart is it has an average. It shows that, on average, outlays were about 21 percent, and that is the dotted blue line across here. It also shows, on average, revenues—what the government collects in taxes—was about 18 percent, and that is the dotted black line down here. You can see there is—I don't know if you call it a structure gap but a persistent gap between what we raise for the operation of the Federal Government and what we spend. Every year we spend more than we raise.

There is an exception to that. There is a period here where these two lines cross, and that is the period at the end of the Clinton administration where we got to a balanced budget and a surplus. That was achieved for a variety of reasons, and let me talk a little about those reasons.

There was a 4-year period there, 1998 through 2001, where the Federal Government essentially did not spend more than it took in. In 2001 again, as you can see from this chart, beginning in 2001 with this precipitous dropoff in revenue, the deficits began to grow. We now have a very large deficit. What is particularly disturbing is when you look ahead and project where we are going to be over the next 5, 10, 20 years, we are projected to have a very large deficit indefinitely unless we change some things.

Changing either the outlay numbers, what we spend, or the revenue numbers, the level of taxes that are collected, is not easy. It is not easy in this Congress. It has never been easy. So how did we produce a surplus during the 4 years we had a surplus? I think there were three main factors that account for that.

In 1990, the Congress and President George H.W. Bush were able to agree to legislation that controlled spending and increased revenues as well. That was the Omnibus Budget Reconciliation Act of 1990. It, for the first time, enacted pay-go rules. It also increased taxes on the wealthiest Americans by raising the top income tax rate from 28 percent to 31 percent.

At the time, President George H.W. Bush said—this is a quote from him—''It's time, I think it's past time, to put the interests of the country first.''

Over the next 5 years, this legislation did reduce the deficit by a total of $480 billion. That was one of the factors that got us to that period of balanced budget and surplus.

The second factor was in 1993, when the Congress and President Clinton agreed, again, to legislation that increased revenue and controlled spending. This legislation once again raised taxes on the wealthiest Americans. Over the 5 years following, the legislation reduced the deficit by $430 billion and revenue increases were responsible for over half that deficit reduction that occurred in that period.

Of course, the third factor, which is the most important, is that the country enjoyed very strong economic growth during the 1990s, particularly the latter part of the 1990s. That allowed revenues to rise above the historical average we see down here, this 18 percent historical average for revenues. We were able to get that up significantly, both because of the changes in law that occurred under President George H.W. Bush and under President Clinton and the very good economic circumstances we enjoyed in the 1990s.

What caused the situation to reverse? Was it an increase in spending or was it a decrease in revenue? I think this chart makes the point very clearly that initially what caused the situation to reverse was the Bush tax cuts of 2001. They reduced revenue by $70 billion in that exact same year, 2001. In total, the tax cuts President George W. Bush signed into law reduced revenue by an estimated $1.6 trillion over a 10-year period. The actual costs may have been significantly greater.

Simply put, the Congress and the President, when we enacted those Bush tax cuts, so-called Bush tax cuts, cut taxes more than we could afford to unless we were willing to also dramatically cut spending, and we did not cut spending. In fact, we increased spending. We increased it fairly dramatically to fund the Afghanistan war, to fund the Iraq war, to fund Medicare Part D. None of that new spending was paid for.

Former Congressional Budget Office and Office of Management and Budget Director Peter Orszag estimates that because they were not paid for, the Bush tax cuts, if extended again, and Medicare Part D, those together would add $5 trillion to the debt over the next decade.

So the votes we are casting on this tax issue are significant votes that will reverberate for some time and affect our economy and the deficit and the debt. People need to understand that.

Of course, in the last 3 years since we have been in this recession, the deficit has worsened very substantially. Revenue dropped to historic lows as the economy contracted. Spending also increased due to the Recovery Act and also due to the automatic stabilizers we have built into the law, such as unemployment compensation.

It is important to note that only about 10 percent of the debt we incur over the next 10 years—the debt over the next 10 years—is due to the Recovery Act.

With the economic recovery underway, the size of the deficit is beginning to stabilize. You can see that at the far right end as part of this chart. You can see these numbers, you can see the outlay number beginning to come down, you can see the revenue number at least leveling off, and that is positive. But the obvious point I think we need to understand is, we cannot solve the deficit problem by simply reverting to the situation before the economic crisis. The chart shows that, on average, outlays have exceeded revenues by about 3 percent of gross domestic product. That is about $450 billion under the current size of our gross domestic product. In other words, if Congress can only accomplish an average performance, we are looking at a $½ trillion deficit going forward even after we are fully out of this recession.

Clearly, we need to do better than that. Congress needs to make some tough choices, both to control spending and to increase revenues, just as we did in the 1990s. Both the President's Deficit Reduction Commission, which I know is having its final vote today, and the bipartisan commission led by my former colleague, Senator Pete Domenici, and Alice Rivlin, former Budget Director—both of those Commissions recognize we will need revenue increases as well as spending cuts to solve the deficit problem.

The proposal that Senator BAUCUS has come forward with is to allow everyone in the country to enjoy the lower tax rates that were adopted under President Bush but only to enjoy those lower rates for the first $250,000 of income each year. I know Senator SCHUMER has a proposal which says we will allow the lower rates on taxation of earned income to apply to the first $1 million of income of all Americans. All Americans will get the tax cut, as they will under the proposal by Senator BAUCUS, but Senator SCHUMER's proposal would be to give them the lower rates on the entire $1 million that they earn in the first year. Above that they would have to pay the rates that were in place under President Clinton's time in office, in the 1990s, when the economy was so strong.

The question is, Can we in this Congress do what needs to be done to deal with the deficit issue and particularly on this tax bill to do what needs to be done to raise revenue? Tomorrow we will be voting on whether to let the Bush tax cuts expire for income above $250,000. One of these votes will be to effectively raise taxes on annual income above $1 million, as I said. Compared to other choices we have, it seems to me this is a fairly easy choice. If we are not willing to revert to the Clinton-era tax rates on any income, no matter at what level, then it is going to be very difficult for us to make a credible claim that we are serious about the deficit.

I urge my colleagues to support the Baucus proposal, and I hope we can get a good, strong bipartisan vote on that. It is clear to me Americans do want to see the taxes they are paying on the first $250,000 of their income remain where they are today. That will only happen if we are able to pass this proposal Senator BAUCUS has put forward.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

SCAPEGOAT POLITICS

Mr. MCCONNELL. Mr. President, we have heard a lot from our friends on the other side this week about the middle class, and that is because their policies have been so ineffective in helping the middle class.

They are trying to distract the American people from their record. It is that simple. This is what those in power often do when their policies don't work. They search for a target, and the targets Democrats have decided on are Republicans and small business owners, our Nation's leading job creators, which is, of course, ridiculous.

All of this finger-pointing is doing nothing to create jobs. It is a total waste of time.

This morning, we learned unemployment is now at 9.8 percent, even higher than last month, and Democrats are responding with a vote to slam job creators with a massive tax increase.

Millions of out-of-work Americans don't want show-votes or finger-pointing contests. They want jobs.

Americans don't want to see meaningless theatrics in Congress. They want us to do something about the economy. The single best thing we can do is to tell small businesses across the country they are not going to get a tax hike next month.

These are the folks that create the jobs that every one of us claims is our first priority. Why in the world would we do something that makes them less likely to create those jobs?

Our friends on the other side know all this just as well as Republicans do, but for some reason their base is demanding that they raise taxes on small business owners.

It is the perfect way to punctuate their 2-year experiment in antibusiness, big-government policies that have only led to more joblessness, more debt, and more uncertainty.

Over the past several weeks, we have seen a growing number of Democrats begin to publicly disagree with their own leadership on the wisdom of scapegoat politics in a time of recession.

We saw this in a vivid way yesterday, when so many Democrats in the House defected from their leadership on the show-vote Speaker PELOSI held over there.

And we have seen it here in the Senate, where a number of Democrats have told their constituents that, no, of course they won't raise taxes in the middle of a recession.

They know as well as Republicans do that raising taxes—on anybody—is counterproductive in a fragile economy like ours. And they have said so.

One of our Democrat colleagues even went on ''Good Morning America'' and said he would extend the current rates ''for everyone.'' So we fully expect these Democrats to keep their word and vote against proposals that do anything less.

These votes are a purely political exercise at a time when Americans are looking for action.

And here is all the proof we need: The author of the plan to raise taxes on anybody who earns more than a million dollars a year has openly admitted that the only rationale for that figure is that it sounds better—that it is the best way to send a message that Republicans are bad.

How about forgetting who looks good and who looks bad and start thinking of what is good and what is bad for working Americans?

These votes are an affront to millions of people struggling to find work.

What these votes say is that Democrats care more about doing harm to their political adversaries than doing good for middle class Americans struggling to find a job.

We don't help the middle class by punishing job creators; we hurt them.

We make it harder for them to find jobs. We make it harder to revive the economy.

We have now had more consecutive months of 9 percent unemployment than at any time since the Great Depression. And Democrats would rather play games than do something about it.

It should go without saying that Americans have had enough of this.

It is time to get serious. It is time to put the needs of middle class Americans above the needs of the liberal base that is demanding a show here in Congress. And that is all that this is—a show.

The left-wing might find it all very entertaining, but most Americans don't find it amusing at all. They don't want games; they want action. It is long past time we took them seriously.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MIDDLE-INCOME TAX CUTS

Mrs. FEINSTEIN. Mr. President, I rise to support the Middle Class Tax Cuts Act of 2010, which gives permanent tax relief to struggling American families who need it most. By extending the current rates for 98 percent of taxpayers, this bill provides the certainty and security necessary to protect working Americans, while at the same time indicating that we need help and that we ask upper income Americans to help address our growing fiscal deficits.

Make no mistake; extending current tax rates for the middle class is crucial in order to encourage economic growth. The economic turmoil of the last 3 years has left many American families cash-strapped and struggling to stay afloat. Every extra dollar is critically important. The evidence bears this out. Analysis by the Congressional Budget Office indicates that lower and middle-income taxpayers have a higher tendency to spend every dollar they earn. Consequently, by ensuring tax rates don't rise on lower and middle-income earners, we prevent a dramatic decline in consumer spending that could have a negative impact on this fragile economic recovery.

Today's job numbers are bad. They indicate we are far below what is necessary to reduce the unemployment rate. Unemployment remains persistently high—12.4 percent or over 2.2 million people in my State, California, unemployed and 9.8 percent or 15.1 million people across America unemployed. With economic growth projected to be slow in the near future, those numbers will likely not come down for some time.

America is hurting right now. Those who can should step up and help. I know of no millionaire who needs a sustained tax cut of 4.6 percent or who has asked for one. But I know several who are willing to step up and help. That is the irony of this debate.

Conversely, the evidence is extremely poor for extending tax cuts for wealthy Americans. When the CBO analyzed the number of different policies aimed at creating jobs, sustained tax cuts for the wealthy came in dead last. Interesting. On the other hand, permanently extending the Bush tax cuts for the wealthy would require $700 billion more in deficit spending. They are unpaid for.

In light of this report issued Wednesday by the President's fiscal commission, of which some of my colleagues are members, I simply cannot argue for extension of the upper income brackets.

It would be one thing if I could say the Bush tax cuts for the wealthy contributed to an era of substantial economic growth and prosperity. But here is the key: History does not support that.

In 2001, the first set of Bush tax cuts was proposed as a means of stimulating the economy as we emerged from the dot-com bubble. Of course, we were also projected to have a $5.6 trillion, 10-year budget surplus. We all know that when President Clinton left office, he left a surplus.

In light of these facts—the fact that there was money, there was a surplus—I voted for the first round of Bush tax cuts. I believed the government surpluses should be returned to the American people. But as President Bush was leaving office, we were forced to confront some very sobering truths. The 10-year budget deficit was projected to be $6.3 trillion, not the $5.6 trillion surplus we had thought. There was a total turnaround. The national debt had increased by over 80 percent.

The argument made by Republicans, if we remember, during that time was that deficits don't matter. It doesn't matter that the Iraq war was not funded. The tax cuts didn't matter. ''Deficits don't matter'' was reiterated throughout this Chamber, and the belief was that lower income tax rates would actually increase revenue for the Federal Government. This has been debunked by recent history.

CBO data shows that changes in law between 2001 and 2005 resulted in deficit increases of $539 billion, and the Bush tax cuts accounted for nearly half that amount.

However, the most scathing indictment against extending these tax cuts for the wealthy is illustrated in our recent history of inequality and wage stagnation. From 2003 to 2007, incomes for families in the top 5 percent of taxpayers increased by 7 percent, while incomes for the other 95 percent of taxpayers remained stagnant. So from 2003 to 2007, the only incomes that increased were the top 5 percent. Everybody else remained stagnant. So the economy was clearly working for the other 5 percent but not for anybody else.

The average income of the top 1 percent of income earners increased by 10 times as much as that for the bottom 90 percent. That is an amazing figure, if you think about it, that the top 1 percent gained 10 times more in income than all of the other bottom 90 percent of taxpayers.

During the expansion of 2002 to 2007, families saw their median income drop by $2,000. That is the first time Americans have seen their incomes drop during a period of economic growth. So there was growth, but the median income was dropping during that period of time.

During this period, also, income tax rates for the top 1 percent of earners were reduced by twice as much as rates for anyone else. The top 1 percent today—and under the Bush years—are paying less in taxes than they did in the Clinton years. So there was actually a drop in rate for the top 1 percent.

In 2007, the top 10 percent took home almost half of the country's total earnings, which translates to the highest level of income inequality in our Nation's history in that year, 2007.

We face a number of daunting problems. Our national debt is now in excess of $14 trillion. If we continue deficit spending, we will unquestionably begin to constrict economic opportunity for this generation and those that follow.

Our economy is struggling to grow at a pace that will start providing jobs, we hope, for over 15 million out-of-work Americans. I think income inequality today is at a historic high, and it is an unacceptable high.

In light of these facts, I do not see the merit in the argument that a permanent extension of the Bush tax cuts for the wealthy will have a materially beneficial impact on the economy, and I applaud Chairman BAUCUS for introducing a responsible bill recognizing these stark realities.

If we were to do this, we increase income inequality. If you continue to lower taxes for the top brackets, all you do is increase income inequality. You grow the gap between the rich and the poor. I would suggest that bodes ill for the United States of America.

Chairman BAUCUS also included two key provisions in this bill, and I would like to take a few moments to speak about them.

This summer, I introduced a bill that would allow family farmers to defer their estate tax payments until they sold the farm or took it out of operation as a farm. The idea was to make sure small working family farms avoided having to make crippling decisions about their land when it came time to pay the estate tax. Let me explain why.

Family farms today in America are land rich and cash poor. Farm incomes have not kept pace with rising land values in this country, which puts family farms in a precarious position when it comes to settling estate tax bills. Because family farmers often have little cash on hand to pay the estate tax, they can be forced to sell land to developers in order to make good on the estate tax. Over multiple generations, this can decimate the operation of a farm.

This proposal before us today would preserve the existence of family farms by allowing them to defer paying the estate tax until they are taken out of operation and to reassess it at a stepped-up value at that time. By doing this, we can preserve and strengthen existing family farms, which I strongly believe are part of the fabric of this country.

This provision would not be available to everyone. It includes income and asset restrictions in order to ensure that the deferral benefit goes only to farmers who need it most and not agribusinesses. If farmers who elect deferral fall out of compliance with the requirements, they would face a recapture penalty in the amount of the estate tax owed. It is my hope in this way we can help ensure the continued existence of family farms, and I applaud the chairman for including this provision.

The legislation also includes a 2-year extension of the highly successful Treasury Grant Program, which has been widely credited with maintaining strong economic growth in the renewable energy sector in 2009 and 2010 despite the severe economic turndown.

The grant program has proven a particularly effective job creation tool. According to a Lawrence Berkeley National Laboratory study, the program has enabled hundreds of renewable energy projects to move forward and save more than 55,000 American jobs in the wind industry alone.

Prior to the economic meltdown, clean energy project developers relied on tax equity partnerships with investors to take advantage of clean energy tax incentives. In 2008, the economic meltdown froze the $8 billion tax equity market, jeopardizing billions of dollars in clean energy investment. The Treasury Grant Program proved an effective replacement for these partnerships, supporting about $18.2 billion in clean energy investment to build 8,600 megawatts of renewable energy generation through October 25 of this year.

With most utilities and developers still unable to utilize existing production and investment tax credits, and our Nation's economic recovery dependent on the creation of new jobs, this 1-year extension of the grant program is critical.

According to a survey of all leading participants in the tax equity market, without an extension of the program, the anticipated financing available for renewable energy is expected to decrease by 56 percent in 2011.

In contrast, a recent study found that a 1-year extension of the Treasury Grant Program would result in nearly 65,000 more jobs in the solar industry alone and enough additional solar power to power more than 1.2 million homes.

So it is important to emphasize this is not a new Federal incentive program. It simply allows clean energy companies to utilize existing investment and production tax credits without having to partner with Wall Street banks.

This proposal, however, does include one serious problem, which I and many of my colleagues oppose: an extension of wasteful subsidies and tariffs for ethanol. The Baucus draft would extend, for 1 year, the ethanol tariff at 54 cents per gallon while lowering the tax credit for blending ethanol into gasoline from 45 cents to 36 cents. This increases the real trade barrier on ethanol imports. Fuel importers will pay a real 18 cents per gallon tariff on ethanol that they do not have to pay if they choose to import oil instead.

This will only make America more dependent on foreign oil from OPEC states. It will increase the competitive advantage that oil already has over cleaner, climate friendly ethanol imports from democratic, sugar-producing states including Brazil, Australia, and India. This is bad trade policy, bad environmental policy, and bad energy policy.

This provision is in direct conflict with the Imported Ethanol Parity Act, a bill I have introduced on a bipartisan basis. This bill would require the ethanol tariff to be lowered to the same level as the ethanol subsidy. I believe the tariff should be lowered to 36 cents per gallon, at a minimum, in this bill. Keeping the tariff at 54 cents does not make sense.

Even the ethanol lobby itself does not believe the tariff should be this high. In a statement just this week, the primary ethanol lobbying group, the Renewable Fuels Association, put out a statement saying:

> The tariff simply exists to offset the value of the tax credit, preventing American taxpayers from subsidizing foreign ethanol producers.

Bottom line: If the ethanol tariff served only as an offset, it should be at the same level as the subsidy, not 18 cents higher.

Also, this proposal would be extraordinarily expensive. Oil companies are required under the Renewable Fuels Standard to use 13.95 billion gallons of biofuel in 2011. At 36 cents per gallon, the subsidy would cost the U.S. Treasury more than $5 billion to pay profitable oil companies to follow the law. We cannot afford such a subsidy to oil companies that will use the ethanol anyway.

I believe it is important to underscore who is bearing the brunt of the pain being doled out by the economic downturn and the subsequent weak recovery. The top 2 percent of taxpayers are not the ones suffering during this crisis. In fact, with sales of luxury goods set to surge to their highest peak since the recession began in 2007, the recovery for the richest Americans seems well under way. They are able to do well for one reason or another in this economy. But it is the income groups below them who are not, who cannot get the loans, who cannot meet the payrolls, whose homes are being foreclosed on, who have great difficulty surviving in this most difficult economic marketplace.

So let's not forget why we are faced with this impending tax increase in the first place. The Bush tax cuts were designed to sunset because they were not paid for. They were not paid for because we were told they would lead to higher revenues. In fact, that has not happened. It is time to let the Bush tax cuts for the wealthy Americans expire.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

DEFICIT COMMISSION REPORT

Mr. DURBIN. Mr. President, underneath the ground level of the buildings on Capitol Hill is a subway system. It connects on the Senate side the major buildings where Senators and staff and committees have their offices with this glorious Capitol Building. If you get on the subway over at the Dirksen Office Building to come over to the Capitol, it is a very brief journey. I do not think it lasts for an entire minute. In less than 1 minute you move from the Dirksen Office Building over to the Capitol Building.

This morning, I took that journey, leaving the meeting of the deficit commission to come over to the Senate floor, and in less than 1 minute I emerged from the world of reality to a surreal world in the Senate. Let me explain.

For the last 10 months, because of President Obama's Executive order, we have had a bipartisan deficit commission that has asked some of the hardest questions I have ever faced as an elected official: How can we come to grips with the debt of this country? What can we do to reduce spending and increase revenue so our children do not end up inheriting an unconscionable, unsustainable debt?

It has been a hard meeting to discuss changes in the law and changes in spending. The goal was to cut $4 trillion out of the deficit in the next 10 years. It sounds simple, doesn't it, with a government this size and an economy this size, but it is not. When you get down to it, hard choices have to be made.

Erskine Bowles from North Carolina and Alan Simpson, former Senator from Wyoming, chaired it and did a great job. It was inspired by KENT CONRAD, our colleague from North Dakota, and Senator JUDD GREGG of New Hampshire. They were the ones who asked for this commission.

We went to work for 10 months, and today we voted on that commission report. I voted yes. I left that deficit commission to take that short 1-minute subway ride over here to the Capitol to emerge in the Senate Chamber and to try to understand how two buildings so close to one another can be so far apart. Here on the floor of the Senate, the debate is on whether we should extend tax cuts for the wealthiest people in America. Doing that will add dramatically to our national debt.

Just to put it in perspective, Senator MITCH MCCONNELL's proposal for tax cuts for the next 10 years will cost us $4 trillion. Does that number sound familiar? That is the amount the deficit commission was told to eliminate in spending and create in revenue over the next 10 years. All of the work of this commission, as controversial as it is, would only pay off Senator MCCONNELL's Republican tax cut proposal, meaning we would make no progress in reducing the deficit of the United States of America.

Well, let me tell you about that vote over in that deficit commission. My phone has been ringing off the hook because some people know—and I will put it on the record—I am a progressive. I come from the left side of the spectrum. I am a Democrat. I am proud of it. I come from a tradition of two wonderful people who served in this Senate: Paul Douglas of Illinois, who was my first boss on Capitol Hill when I was a college kid, and his friend and my mentor, Paul Simon of Illinois, who preceded me in the Senate. They were both liberal and proud of it, but they were both fiscally conservative. Someone may ask: How could you do that? Well, because, as Douglas once said and Simon often repeated, if you are a liberal, it doesn't mean you are wasteful. It doesn't mean you are a spendthrift and can't be thrifty and find ways to cut spending so that the money that is absolutely needed in America for critical national security or the benefit of people who are struggling is there when you need it. They believed those two things were consistent, and I do too.

What this deficit commission forced us to do was take an honest look at the debt of America, which is over $13 trillion. This debt has exploded in recent years.

A little bit of history. When President William Jefferson Clinton left the White House 10 years ago, the national debt was $5 trillion. The budget was in surplus. There was extra money in the budget that was being used to buy time and longevity for Social Security. And it was projected that the next year, there would be a $120 billion surplus in the budget. Ten years ago: $5 trillion debt, budget in surplus, and $120 billion surplus predicted for the next year.

Fast forward 8 years after President George W. Bush, and there was a much different picture. The national debt was no longer $5 trillion. The national debt of America had risen in 8 years to $12 trillion. It more than doubled. The budget was in serious imbalance.

Unfortunately, President Obama inherited in his first year a more than $1 trillion deficit. That is the budget he was left by President Bush. What happened in 8 years for that dramatic negative turnaround in debt in America? We waged two wars and didn't pay for them. We had programs that might have been fundamentally sound, such as the prescription drug program, but we didn't pay for them. And there was the argument by the Republicans that in hard times and good times alike, tax cuts were always the answer. So for the first time in the history of the United States of America, during two wars, we gave away tax cuts, plunging this Nation deeper and deeper into debt. Today, that national debt is over $13 trillion.

Listen to this: 40 cents out of every dollar we spend in Washington is borrowed—40 cents. Who loans us the money? The Chinese—they are our mortgagors—Japan, Korea, the OPEC nations. Sadly, as we become more deeply in debt and more indebted to them, we are at their mercy. If tomorrow—and it could happen as quickly as 1 day—if tomorrow the Chinese said: We have lost confidence in the American dollar and we don't believe this government is serious about deficits, we could see a dramatic negative economic impact on the United States of America. We are at the mercy of our

creditors, and our largest creditor is China, which today happens to be our largest global competitor for emerging markets around the world.

That is why this deficit commission is so important. The commission set out not only to eliminate $4 trillion in spending over 10 years but to engage America in a conversation long overdue.

Think about this for a moment: If you ever happen to see the Tax Code of the United States of America and open it, you will understand why most people don't. It is unintelligible. Unless you are an accountant or a lawyer or practiced in the art, it is hard to understand what is going on, with sections and articles and subparagraphs. But that book, that Tax Code of America, is one of the most important books when it comes to this deficit debate because each year in America we spend, on that Tax Code, $1.1 trillion. We spend $1.1 trillion in deductions, credits, exclusions, and tax earmarks. That sum, as huge as it is—$1.1 trillion—is more than we collect each year from all of the personal income taxes paid across America. That sum is more than we spend each year for all of the domestic discretionary nondefense programs. It is huge, and people don't know what is in it. Some do. There are a lot of special interest groups, businesses, groups, organizations, and associations that have protected themselves and taken care of themselves in that Tax Code.

This deficit commission, the Bowles and Simpson commission President Obama put together, has finally opened the door and taken a look inside of that Tax Code. I think they did the right thing. What they said to America is, if we eliminated all of these deductions and all of these credits, how could we reduce the rates, the income tax rates paid by Americans at every level and by corporations. And the answer is, they could be reduced dramatically—dramatically. That, to me, would be a step forward. I am not calling for the elimination of all of the deductions and credits. Some of them are important—the deduction for health insurance, mortgage interest, charitable donations, and the like—but we should take a look at each one of them, and we virtually never do.

Tax reform needs to be part of deficit reform. That was the message I took away from this deficit commission report.

Some people ask me how a person such as myself, coming from my end of the political spectrum, could vote for a deficit commission report. Well, it is basically this: I don't think that borrowing 40 cents out of every dollar we spend for either a nuclear missile or a food stamp is sustainable, and I don't believe that being indebted for generations to China and OPEC makes America a more fair and just nation.

When we engage in the critical decisions about our Nation's future budgets, I want progressive voices at the table arguing that we must protect the most vulnerable in America and demand fairness in budget cuts, in spending, and in revenues. My vote today for the deficit commission report is my claim for a seat at that table. I don't view this vote as a vote on final passage of a bill. That is not how I looked at the commission report. I view it, as we say in the Senate, as a vote for a motion to proceed, to begin an important budget debate on the floor.

After the commission meeting, reporters came up to me and said: What is next? Well, I will tell you what is next. What is next is President Obama's State of the Union Address in which I am sure he will allude to this challenge. What is next is the President's budget, which we should receive in February, and following that, a budget proposal from the House, then one from the Senate, and a debate on our debt ceiling in America. Each of these will create an opportunity for us to take the message of this deficit commission and move forward. Some parts of it I will definitely want to change. Some parts I don't agree with. Other parts I think are essential.

Let me say a word about Social Security. There is no more important social program in America, and there never has been. It is more important today than it has ever been because people understand that your pension and work may not be around when you need it. A lot of them have lost it. People understand that the little nest egg, the savings you have, may get beaten up by Wall Street tomorrow. But Social Security is the bedrock. It is what we count on.

We have to make sure this program, which is destined to be solvent for another 20 years, is destined to be solvent for more years. This deficit commission has come up with a proposal which will add 75 years of solvency to Social Security.

Although it is the deficit commission, the Social Security Program has nothing to do directly with the deficit. Making it a solvent program isn't going to help solve our deficit, but it is going to give peace of mind not only to those currently receiving Social Security but to a lot of young people who really question whether the program will be there when they need it. I don't agree with all of the proposals that came out of this deficit commission. I would change some. I think some of the benefit cuts don't have to take place, but I think this deficit commission is on the right track to give people peace of mind that Social Security is going to be there for a long time to come.

There are parts of this proposal, this deficit commission proposal, with which I do not agree. But I will tell my colleagues, getting back to my beginning point—and I see some other Senators coming to the floor—I hope those Senators who come to this floor and passionately argue for tax cuts for wealthy Americans at this moment in time will acknowledge the obvious: They are piling up deficit debt on America, they are calling for more money to be borrowed from China and other nations, and they are enslaving our children and future generations to paying off that debt before they can enjoy the prosperity most of us have enjoyed in our lives. To ignore that is to ignore the deficit. To ignore the debt is to turn their backs on the reality of what extending the tax cuts to the wealthiest people in America will mean.

I hope we can ask our Republican colleagues to take that little trip on the subway over to the Dirksen Building and go in there and read the deficit commission report before they come to the floor and make a speech that ignores the obvious: Cutting taxes on the wealthy adds to a debt that our children will have to pay.

I believe we need to continue the tax cuts for the time being for those making $250,000 a year and less. That is needed to get us through this recession and create more jobs. I hope we can get that done before we leave so that what happened in the deficit commission will be reflected in sound judgment here on the floor of the Senate.

The last point I will make is this: It is unfair, it is unjust, it is inconsistent with the history of this country for us to cut off unemployment benefits for Americans, as we did yesterday. Cutting off those benefits means that 2 million unemployed Americans will lose the helping hand they need to feed their families, to pay utility bills, to buy clothes for their kids, in the middle of this holiday season. There are 127,000 unemployed Illinois families that will lose their unemployment benefits this week. That weekly check of $300 may not sound like that much to a Senator or a Congressman. It may be the difference between making that second trip to the food pantry and keeping the lights on in their home during the holiday season.

I urge my colleagues in both political parties to put party aside and think about the reality of this recession and unemployment in America, and whatever we do on tax cuts, I insist, I beg that we include unemployment insurance as part of that benefit.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

UNEMPLOYMENT INSURANCE

Mr. FRANKEN. Mr. President, I rise to speak about extending tax cuts to all Americans on income up to $250,000.

I was presiding this Monday when one of my friends on the other side of the aisle was speaking on the floor, and he said with great conviction: ''We need to do everything to see that the deficit does not increase.'' Now, less than a week later, he will vote to increase the deficit by $700 billion. That is an impressive reversal, don't you think?

Many of my colleagues on the other side ran for reelection this fall saying

that the deficit is a cancer, that we owe it to our children and grandchildren to cut the deficit. Well, to them I say: Congratulations because for one of the first votes after returning to Washington, you are going to vote to put over $9,300 more debt on the head of every child in America. Way to go. And what is that for? To give an average tax cut of $100,000 to Americans making over $1 million a year.

My friends, on this subject, have been saying to us: Haven't you learned the lesson of the election? I do not recall permanent tax cuts for millionaires being on any ballot. In fact, let's take a look at the exit polls conducted by Edison Research, the exclusive provider of the national election exit polls for all of the major TV networks and the Associated Press. In their poll, they found that roughly 60 percent of Americans wanted to end tax cuts for income over $250,000. More recently, a Quinnipiac poll said that only 35 percent of Americans wanted the Bush tax cuts extended for those with incomes over $250,000.

Of course the American people feel this way. They know what has been happening over the last 20 years in this country. According to the Economic Policy Institute, during the past 20 years, 56 percent of all income growth went to the top 1 percent of households. Even more unbelievably, a third of all income growth went to just the top one-tenth of 1 percent. The wealthy have done extremely well for themselves over the past 20 years. Unfortunately, this is why the middle class has done decidedly worse. When we adjust for inflation, the median household income actually declined over the last decade. During those years, while the rich were getting richer, the rest of working America was struggling to keep up. We have been growing apart. The American people know this.

Now, working Americans are forced to listen to Republicans as they demand that everyone needs to share in the pain; we are all in this together.

The IRS published a study analyzing the tax returns of the wealthiest 400 Americans. Want to take a guess at what their average effective tax rate was? Just over 16.5 percent. Is that sharing the pain? Are they sharing the pain just like everybody else?

Frankly, I am a little tired of being lectured to by my friends on the other side of the aisle on the deficit. We all know Bill Clinton inherited the largest deficit in history from George H.W. Bush and then handed George W. Bush the largest surplus in history. Then George W. Bush nearly doubled the national debt and also handed Barack Obama the largest deficit in history. Of course, my friends controlled the Congress for most of those Bush years.

Today, we are talking about how to get our economy going and keep deficits down at the same time, while what we are discussing right now is whether to restore the Clinton marginal tax rate on the very wealthiest of Americans. I remember that when he raised the tax rate on the top 2 percent, Republicans said that would kill the economy. Newt Gingrich—remember him—on August 5, 1993, said:

> I believe this will lead to a recession next year. This is the Democrat machine's recession, and each one of them will be held personally accountable.

Senator Phil Gramm—remember him—said:

> The Clinton plan is a one-way ticket to recession. This plan does not reduce the deficit . . . but it raises it and puts people out of work.

Governor-elect John Kasich said:

> This plan will not work. If it was to work, then I would have to become a Democrat.

Congratulations, Ohio, on electing a Democratic Governor.

Mr. President, 22.7 million jobs and a giant surplus later, George W. Bush waltzes into office and says: Hey, we are running a surplus. The people deserve a tax cut.

Let's recall what he said about his tax cut. He said over and over again:

> By far, the vast majority of the help goes to those at the bottom end of the economic ladder.

Wow. That sounds like the bottom got the vast majority of the tax cuts, doesn't it? They didn't. Actually, the bottom 60 percent of Americans got just 14.7 percent of the Bush tax cuts. The top 1 percent got 29.5 percent of the tax cuts, which is exactly double. Let me repeat that. The top 1 percent got double of what the bottom 60 percent got.

The results of this new policy? Massive deficits. Only 1 million new jobs over the 8 years of the Bush Presidency, compared to 22.7 million during Clinton's 8 years. My friends in the minority want to go back to that discredited economic policy.

The figleaf here is small business. They attack us and say that not cutting taxes on the richest Americans will hurt small business. Well, it seems that, to my friends, some small businesses are more important than others. Why did they block us for months on passing the Small Business Jobs Act, which gave tax cuts to small businesses and created a $30 billion line of credit for small businesses on Main Street? Why did they oppose the HIRE Act, which gave large tax cuts to small businesses to encourage them to hire unemployed workers? Well, it seems these aren't the small businesses my friends are so concerned about. When you and I think about small businesses, we picture the mom-and-pop grocer down the street somewhere in Oregon or Minnesota or maybe a hardware store or a small precision manufacturing operation—we have a lot of those in Minnesota. We probably think of them as small businesses because they are small. They probably have a few employees, one location, and make a modest but comfortable living doing it.

Republicans are trying to scare us into believing that the grocer and the hardware store owners will shutter their doors and fire people if we return the top two tax brackets to previous levels. But that is simply not the case.

In reality, only 3 percent of small businesses will be affected by this change. Yet you will hear Republicans tout that these top 3 percent of businesses make up 50 percent of the total small business income. That tells you one important thing—that those 3 percent of small businesses aren't truly small businesses. Only under the broadest, most arbitrary of definitions are these businesses small.

When many of my friends on the other side of the aisle talk about small businesses, they are including anybody who uses a flowthrough business entity—so an S corp or a partnership. They are not defining a small business by size, profits or the number of people they employ. They are defining it on a technicality.

Under their definition, Bechtel, the fifth largest company in the United States, is a small business. The Koch brothers, who run a petroleum company with nearly $100 billion in annual revenue, are considered a small business. They are worth about $16 billion each. Law firm partners and Wall Street bond traders are considered small businesses.

So Republicans are using the mom-and-pop grocery store to defend the continuation of these tax cuts. In reality, the only people they are helping are the Bechtels and the Kochs of the world and maybe Derek Jeter, Inc.—he deserves every dollar he gets—and Mel Gibson, Inc.—maybe he has had a bad year—and other likely ''small business'' beneficiaries.

At the same time that Republicans are demanding unpaid-for tax cuts for the Koch brothers, they are insisting we pay for a continuation of the emergency unemployment insurance program. They want to pay for it, even though unemployment benefits have been shown to be an extremely effective stimulus—in fact, one of the most effective stimulus measures. Why? Because when unemployed workers get their checks for a couple hundred dollars, they go to their local mom-and-pop grocery store and buy food. They spend that money right away in their communities in real small businesses.

It is the holidays. Can they afford to buy a small Christmas present for their kids? I am worried that there are those among us who would say: No, no presents.

The Republicans say these unemployment benefits are too expensive. They demand that these benefits must be paid for. But tax cuts for the richest people in America—no need to pay for those. Adding $700 billion to the deficit—or actually $830 billion when factoring in extra interest payments—that is no problem. I hear my friends on the other side say we are going to have to make some hard choices. I agree. The deficit is a problem. Getting it under control will take shared sacrifice.

There are a lot of Minnesotans who have to make hard choices now. Maybe it means giving up a second car or no summer camp for the kids. Some communities in Minnesota have had to go to a 4-day school week because there just isn't the money there.

Some Minnesotans have been even harder hit. Their unemployment insurance was cut off earlier this week because of us. They have a lot of hard choices right now. Where are they going to live if they can't pay their mortgage or their rent? Choices: food or medicine or heat. How do I give my kids anything resembling a Christmas?

These are people who lost their jobs and desperately want to find work, but we can't pass unemployment insurance for them unless it is paid for. But for the owners of Bechtel or PricewaterhouseCoopers—yes, PricewaterhouseCoopers is a small business too—the sky is the limit.

I am Jewish. I don't know the New Testament all that well, but I do know Matthew, which says:

Truly I tell you, whatever you did for one of the least of my brethren, you did for me.

I went to a union hall not long ago for the building trades. A carpenter came up to me—a big, strong guy with rough hands, big calloused hands—with tears in his eyes. He had just a little bit of work here and there over the last 18 months. He said to me: I never took unemployment insurance before. I hate it. But if it weren't for my unemployment insurance, I wouldn't be in my house.

Making tough choices means doing one thing and not another. Right now, we are faced with that choice. If we can't agree to help people such as that carpenter and his family by continuing emergency unemployment benefits, how can we live with ourselves? How can we think we are doing our jobs?

The choice before us is clear this holiday season: Lend a hand to those who simply can't get by without the help or give $100,000 in average tax cuts to people making over $1 million.

Where are our values? What are we doing here? It is almost Christmas. We will be leaving to spend time with our families. We have jobs; we have great jobs. I think this is the greatest job—trying to make people's lives better back in Minnesota. That is my job.

I ask my colleagues this: What are we doing here?

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that immediately upon my finishing, the Senator from Utah be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise as well to speak about the single most important issue facing the American people today, and that is the state of the economy.

Let's consider three facts and lay them side by side. First, over the last decade, even though the economy was growing modestly, middle-class incomes declined for the first time since World War II. The average middle-class family, which had always seen things get better and better, did not from 2001 to 2010.

By the way, this did not just occur during the recession which began in 2008. It was constant throughout this decade. The great American dream, what is it? I submit it is very simple. Not everyone wants to try to become rich, and everyone knows they are not going to become rich, but they certainly know one thing: In America, the odds are very high you will be doing better 10 years from now than you are doing today. And the odds are even higher your kids will do even better than you. When incomes decline over a decade, that American dream burns a little less brightly for people and the whole tenor of America changes and we see the kind of anger we have seen, which is not typical of this great land of ours with its amazing people. That is unusual.

So, first of all, middle-class incomes have gone down.

Secondly, in the last decade, one group did very, very well—the highest in income among us, the millionaires and billionaires. God bless them. Their taxes went down, down, down over the last decade because of the Bush era tax cuts, but their incomes went up, up, up. They did great.

Thirdly, over the last decade, while all of this was happening, our deficit got out of control. When we began this decade in 2001 there was a $250 billion surplus. We hadn't had that in decades. It was wonderful and it helped fuel the economy because small businesspeople and large businesspeople would borrow knowing that interest rates would stay low. Interest rates are often a greater cost to them than taxes. But when President Bush departed 1600 Pennsylvania Avenue at the end of 2008, he left behind a deficit of $1 trillion. Some of that was due to the war in Iraq, where our brave soldiers defended us, and Afghanistan as well, and a little more of it was due to new programs the President authored, including a prescription drug benefit for senior citizens. But most of it was due to the fact that he cut taxes on the wealthy.

Our colleagues on the other side of the aisle say we have to keep the Bush tax cuts, particularly those for the wealthy. Well, was the last decade a great success? Not for the middle class. No. Their incomes went down. Not for job growth because that was smaller than before. So when we had the Clinton era level of taxes in the 1990s, all of America and job creation and the middle class, in terms of income, did better than with these tax cuts which began in 2001. So this cry that we need these tax cuts for prosperity doesn't fit with history. It may fit with a particular ideology, but it doesn't fit with history.

Who on Earth would want to extend a failed economic program that didn't help the middle class—the backbone of America, the place I come from and always fight for? Who would want to extend this failed economic program? I will tell you who. Every single 1 of my 42 colleagues on the other side of the aisle is marching in lockstep saying please extend this failed economic program. Why? It seems to me what they hold out for is tax cuts for the millionaires. In fact, they are so committed to extending the failed economic program of the Bush years, they are willing to hold hostage the middle-class tax cuts, which we all agree we should have, until they can give a giant tax break to millionaires and billionaires.

That defies economic logic. The well-off—the people for whom my colleagues in the minority are fighting—aren't going to spend their tax break and get the economy moving. They are not going to rush to JCPenney and buy that warm winter coat they have been waiting to buy. They are not going to go out to the Barnside Diner and buy a nice prime rib dinner. They can afford all that already. They can afford it 7 days a week, 52 weeks a year.

I want to say something about these millionaires and billionaires. God bless them. We are not mad at them for having done well. We admire them. We all wish we were like them, as successful as they were. God bless them. All we are saying is they do not need another $400,000 or $4 million at this time when there are so many other more important needs.

I want to reiterate that. I have nothing against the wealthy. I don't like it when we knock them. I think they are great. I respect them. I admire their achievements. There are lots of them in New York who started with nothing and worked their way up. I think it is great. Some of them inherited their wealth, that is true, and they seem to have even more a sense of entitlement than the ones who made it themselves, oftentimes, but many more live the American Dream through their own great ingenuity. They pulled themselves up the economic ladder by their bootstraps. But I have to tell you something. When I talk to them, at least those who are wealthy in my home State of New York—even many Republicans—they say: You know what. For the good of the country, I don't need this kind of tax break. If we put it to deficit reduction, most of them say: I would be for it. Not all of them say that. Certainly not the hard right people who seem to have the party on the other side in the palm of their hands, who say: I made my $10 million and don't you dare touch a nickel of it. But most—most—say: Chuck, I can afford to pay a bit more. I have nothing against returning to the Clinton rates, as long as, they say—and this is a reasonable caveat—the money goes to a good purpose: making our schools better, improving our infrastructure and, above all, they say, decreasing the deficit.

That is what the amendment I will offer tomorrow would do. The other

side of the aisle wants you to believe the average American overwhelmingly supports tax breaks for millionaires. I have heard it. They say: The election—haven't you Democrats heard about the election? Well, I was running this year. I happened to get 65, 66 percent of the vote. I got a lot of votes from Republicans, a lot of votes from Independents, and I talked to a lot of angry people. I saw a lot of tea party people. None of them said to me: Make sure you keep tax breaks for the millionaires. They may have said shrink the government; they may have said repeal health care. That is true. But none, none said: Keep the tax breaks for millionaires and billionaires.

Here is a poll that reflects that, and it is not by some Democratic Party organization or some Republican Party organization but by CBS, a nonpartisan poll. The poll yesterday said only 26 percent of Americans support millionaire tax breaks—26 percent. Now you may say: Well, that is just the Democrats. Oh, no. Only 25 percent of Independents say keep the tax breaks for millionaires—those swing voters who are the ones who created a lot of new Republican seats and caused us to lose a lot of Democratic seats. Even on the Republican side, 46 percent—only 46 percent—supported millionaire tax breaks.

So this idea that the election was a mandate to cut taxes on millionaires and billionaires—you know, I didn't only run in New York, but I worked closely with many of my colleagues in many parts of the country—the Northeast, Midwest, Southwest—and none of them reported any hue and cry to keep tax breaks for millionaires—none. That is not what the election said.

Now maybe the money of some of those millionaires helped create ads on other issues that helped win the election for these folks but not the issue itself. So we need to get our economy humming on all cylinders again, and it is true we need to stimulate demand.

Mark Zandi, an economist who is as well-respected on the right, as well as the left—I believe he was Senator MCCAIN's chief economic adviser when he ran his campaign—said every dollar spent on tax breaks for the millionaires generates 32 cents of economic activity. Those of us who believe in economic efficiency, which I do, know that doesn't work. Let me give a contrast. Every dollar spent on unemployment benefits generates $1.61 in economic activity.

So if you care about getting the economy going, you are going to be for increasing unemployment benefits quicker than tax breaks for millionaires. According to Mark Zandi, most every economist—even those on the right—doesn't believe that is false. UI benefits are 400 percent more stimulative than tax breaks for the wealthy according to Mr. Zandi.

Yet on Wednesday, when my esteemed and effective colleague from Ohio, Senator SHERROD BROWN, came to the floor and asked unanimous consent for just a 1-year reauthorization for unemployment benefits, the other side objected. As the Senator from Minnesota said when he was speaking on the Senate floor a few minutes ago, the anomaly is that the Republican Party is saying we don't have to pay for tax breaks for the millionaires but we have to pay for an increase in unemployment benefits. What kind of logic is that?

The middle class is worried. They are worried about how they are going to stretch that paycheck. They are worried about how they are going to make that mortgage payment. They are worried about how they are going to keep that job. In this recession, middle-class people are more unemployed than ever before. Most recessions in the past had two differences: One, they mainly affected the poorest people and the working-class people who made the lowest salaries. This one has gone way up into the middle class and the upper middle class. I have met hundreds of these people as I have traveled through my State, and they are out of work for a lot longer. It is no longer 3 weeks or even 3 months but 6 months, 9 months, a year. We just heard the unemployment rate went up, under these Bush tax cuts, to 9.8 percent.

We are trying to offer solutions that bring the unemployment rate down. We are trying to offer solutions that focus on the middle class, while our Republican colleagues are busy defending the wonderful people who made a lot of money but don't need the help.

After Senator BROWN offered his bill to reauthorize unemployment insurance, Senator UDALL of New Mexico asked for consent to take up and pass a bill to extend the highly successful Building Start Program. That gave tax incentives so construction workers could build buildings that were energy efficient—150,000 good-paying jobs. They objected.

Next came Senator STABENOW from Michigan, a real leader in the fight for job creation. She came to the floor with a bill to give tax breaks to manufacturers. We need manufacturing, not only in her State of Michigan but in my State of New York—particularly upstate. Conservative estimates said the bill would create 40,000 private sector jobs. Again, the Republicans objected.

Then I offered a bill myself—and I am glad my colleague from Utah is here because this was a bipartisan bill. It was a tax cut for business called the HIRE Act. It said if you hire somebody who is unemployed 60 days, you don't have to pay the payroll tax for this year. It is expiring. I wanted to extend it. Objection.

The bill had passed with bipartisan support. But the point is to get tax breaks for the millionaires they would even object to a bipartisan bill that gave a tax break to businesses that would employ people. What kind of logic is that?

One final point as I conclude, and that is about the deficit. The deficit, as I mentioned, is huge. But let me just say the Bush tax cuts and particularly those for the millionaires and billionaires add a huge amount to the deficit, and we do not hear a peep about it from the other side. They care about the deficit, but $300 billion that it would cost to give these tax breaks to millionaires and billionaires, that is OK. Please.

Over the next year, I am going to be up here reminding my colleagues when they say we cannot pay for help to our schools so they can hire a science teacher who might create the genius that would create a new industry that would create new jobs, when they say we cannot have money to repair a road or a sewer project that would create good-paying jobs because it would increase the deficit, I am going to remind each and every one of them that they said, when they gave tax breaks to millionaires, the deficit didn't count. Just remember that.

And, of course, they say these tax breaks for millionaires and billionaires are tax breaks for small business. My good colleague—someone who looks very much like the Presiding Officer, the Senator from Minnesota, who was seated over there a few minutes ago—talked about that.

My dad was a small businessman. He had a little exterminating business. It wasn't very successful. I know how he suffered through it. He knows these tax breaks are not for a business like his—or the dry cleaner or the restaurant or any of these other businesses. They are not for any at all because we are not talking about corporate tax cuts. They are for very wealthy people, some of whom you have mentioned.

I know my colleague from Utah has been patiently waiting, so I am not going to talk about all the small business stuff, but I just want to remind people about this plan. Under the President Bush tax breaks for millionaires, here is what would happen. Under the plan my colleagues across the aisle are supporting, people who make $1 million would get a $43,000 break per year; people who make $10 million would get a $400,000 break per year; people who make $100 million would get a $3,800,000 break per year. The average middle-class family making $60,000 would get $2,500. We want to get that middle-class family its break. We will give the same amount to these folks, they will get a break, no more and no less, than the middle-class family. But we don't believe these breaks, where we have so many other needs and a huge deficit to boot, are called for.

We will be debating that all day today, all tomorrow morning until 10:30—but also for the rest of the next 2 years.

Again, I repeat, don't talk to us about deficit reduction, folks, if you are willing to put this whopping hole for deficits for tax breaks for the millionaires and billionaires. Don't come

to us and say this program for this school or this road or this small business incentive should not be passed because of the deficit but it is OK to give the breaks to these folks.

More people last night tuned in to watch the reruns of ''Matlock'' on TV Land than would benefit from the Republican proposal. I haven't seen ''Matlock'' in a long time. I am sure those people who watched it had a good time, but it wasn't many of them. But it was more of them than the millionaires and billionaires who would get this break. They are a powerful group. God bless them. They should not have the kind of power they have, to have good people on the other side of the aisle tie themselves in a knot to prevent all kinds of important things from happening until they get their break.

I yield the floor.

Mr. REID. Mr. President, I have been in touch with Senator MCCONNELL, and he knows I am asking this consent agreement. I ask unanimous consent that at 10:30 a.m. tomorrow morning, December 4, the Senate proceed to vote on the motion to invoke cloture on the Reid motion to concur with the House amendment to the Senate amendment to H.R. 4853 with the Baucus amendment No. 4727, with the time from 8:30 a.m. to 10:30 a.m. equally divided between the leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, this is a time that virtually no one is happy with. Someone wanted it late, someone wanted it early. As I indicated to Lula Davis, we just split the baby in half. This is the best we can do. Make as many people happy as we can. We are coming in at 8:30, which is unusual on a Saturday morning, but people who live certainly east of the Mississippi, they can go some ways—it is difficult for those of us who live west of the Mississippi to go anyplace, but at least some people will be able to have an afternoon at home or in their States with this agreement that has just been approved.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Utah.

Mr. HATCH. Mr. President, I always enjoy listening to my colleague from New York. He is one of the brightest people in this body, he is one of the toughest, and he has been a very dear friend all these years.

I might mention that the Schumer-Hatch bill is now law, a bipartisan bill we did put through. That was a good step in the right direction as far as gaining jobs.

I would also like to point out that 56 percent of all capital gains that create jobs are paid for by people who earn over $500,000 a year.

I also would care to point out that I absolutely guarantee to everybody watching us today what would happen if there were these tax increases. I think the distinguished Senator knows his suggestion polls very well. Is that the reason we should do it? No. But I guarantee, and I do not think anybody could doubt this guarantee, that if his approach wins, the Democrats will take every dime of that and spend it. In fact, the President's budget spends more toward the end than it does now—I mean a lot more. That is one of the problems.

We know a good 50 percent of small businesses would be affected. They are the ones who create jobs—25 percent of the employees and about 50 percent of small businesses would be affected if we do what the Democrats would like to do.

Be that as it may, those are some of the differences. But I am going to explain why at the last minute this Congress—after the upheaval that happened during the election—this Congress cannot seem to get together during a time of economic distress and put over these tax reliefs that were started in 2001–2003—that we cannot do that and at the last minute to come in and want to change the game again and do that at a time when we have the economic difficulty and problems we have. It is more of the same.

Over the last few days Americans watching C–SPAN would have seen a lot of speeches about widespread tax hikes that will arrive with the new year. Many of my friends on the other side deployed several attacks. C–SPAN viewers probably were not surprised the attacks were exclusively aimed at those on this side.

I will not get into correcting the record any more than I have on all of that misinformation right now. I would like to focus on two themes we heard. We heard them over and over. The first theme was repeated many times. It was this: Republicans are accused of holding hostage tax relief for middle-income taxpayers. The second theme took some creativity. If you listen to our friends on the other side you would think they had hired a psychic or mind reader, that somehow this mind reader had successfully read the minds of 42 Republican Senators.

Our friends spoke as if they had determined the motives of 42 Republican Senators. Perhaps not surprisingly, the motive ascribed was not very favorable. Republicans' alleged hostage taking was described as solely motivated by a desire to cut taxes for high-income people.

If our friends in the Democratic leadership hired a mind reader, I advise them to seek a refund because it did not work. You have been had, my friends. You didn't need a mind reader. You need not come to the floor and spend all day ascribing motives to your colleagues on this side.

The record is clear today. It has been clear for a decade that the tax relief program has been in effect. Actions speak louder than words. Votes speak louder than talking points or press releases.

When first passed over 9½ years ago, nearly all of the Republican conference supported the bipartisan tax relief plan. Roughly one-fourth of the Democratic caucus supported the plan.

Because of the opposition of the Democratic leadership, efforts to make these policies permanent law were rebuffed. Check the record. During the years of the Republican majority, the Democratic leadership opposed efforts to make the widely applicable tax relief measures permanent. Those efforts were also opposed by the other side.

What is even more revealing is the record since the Democratic leadership assumed control of the Congress almost 4 years ago. A few moments ago, I said actions speak louder than words. Votes speak louder than speeches. After obstructing permanent tax relief in the minority, what did our friends in the Democratic leadership do when they gained power? Let's take a look.

I have a series of charts. The Democrats have taken power. These charts chronicle the record of the Democratic leadership on this time-sensitive matter. The first chart chronicles the first year of the new Democratic Party majority. The year is 2007. The Democrats took power on January 4, 2007. You will see it circled on the chart right here. That is January 4. Look at the rest of the year in 2007. Think about it. No action was taken on the tax hikes that come down in less than 1 month. No action, none, nothing, zilch.

Let's take a look at 2008. This chart is pretty simple. Take a look. It is completely blank other than the calendar on there. No action, nothing, none, zilch.

Here is a chart for 2009. It is an important chart as well. There were big changes in Washington. Democrats gained a large majority, 60 votes in the Senate. It was basically a filibuster-proof body. That is circled here on January 6.

President Obama takes office on January 20, right here. It is circled right there. You can see it. A little over 3 months later an event occurred that many on our side of the aisle will not forget. The senior Senator from Pennsylvania crossed the aisle to give Democrats a filibuster-proof majority. Let me just point to that third circle right here.

Nothing happens for the rest of the year, not a doggone thing happened for the rest of the year. We had a larger Democratic majority sworn in; President Obama was sworn in.

Then my dear colleague Senator SPECTER decided he wanted to be a Democrat, and he switched parties. That got 60 votes in the Senate. Nothing happens for the rest of the year, nothing else happens.

On December 3, 2009, 1 year ago, the House Democratic leadership passes a long-term death tax reform. That is right here on December 3. This represents a milestone. Almost 3 years into their majority, one portion of the congressional Democratic leadership took comprehensive action on one piece of the 2001 tax relief expiring provisions.

Let's take a look at 2010. It is the fourth year congressional Democrats have controlled both bodies, abjectly controlled them, in this decade. The House-passed death tax reform was placed on the Senate calendar on January 20, 2010. When Senator SCOTT BROWN was sworn in on February 4, the Democratic majority fell, if that word is appropriate, to 59 majority votes. What has happened for the balance of this year? What action has the Democratic leadership taken as the big tax hikes approached? With the economy slumbering and a big tax hike coming, what actions has the Democratic leadership in both Houses taken? With the Nation's job creators, America's small businesses, expressing pessimism about the business environment and a looming tax hike on the horizon, what actions has the Democratic Party leadership taken? With unemployment announced today at 9.8 percent and a big tax hike coming, what action has the Democratic Party leadership taken over these last 4 years?

By the way, this latest data indicates that the unemployment rate is going the wrong way; that is, upward. It is going up again. More Americans are out of work. I remind my friends in the Democratic leadership to pay close attention to this data. It should concentrate the mind on policies to counter the problems at hand rather than politics.

With a big tax hike less than 1 month away and this horrible economic data arriving this morning, what action has the Democratic Party leadership taken and the Democratic leadership in the Senate? Let's take a look. Over the past several months, Republican Senators have come to the floor to urge our friends in the Democratic leadership to address a time-sensitive topic. I am referring to a package of unfinished tax legislative business.

I am on the Finance Committee. I sit right next to our ranking member, Senator GRASSLEY. I expect to take over as ranking member in January. Ranking Member GRASSLEY and I used this chart in a colloquy a couple of weeks ago. Here is our checklist chart. The only piece of legislation the Senate has considered is one small but important piece of unfinished tax legislative business. It is what we call tax extenders—something we almost automatically have passed in the past.

Unfortunately, the Democratic Party leadership in the Senate and House scuttled a bipartisan agreement between Chairman BAUCUS and Ranking Member GRASSLEY about 10 months ago. After we put it right out of the Democratic-controlled Finance Committee, they basically canceled it. That includes the research and development tax credit that helps our high-tech world to remain competitive, to mention one.

The reason I mention that is because it is something almost everybody wants. It is one of the glues that bind everything together. Over this whole year after we put that tax extender bill out, look where we are.

Unfortunately, the Democratic leadership scuttled the bipartisan agreement between Chairman BAUCUS and Ranking Member GRASSLEY about 10 months ago. After that, a partisan strategy was pursued by our friends on the other side. Not surprisingly, it failed several times. I will give them a checkmark on the chart for doing the minimum. My friends in the Democratic leadership did at least bring up a bill.

As the chart shows, the tax extenders—right here—which are overdue by almost 1 year, are not alone. There are three other major areas of unfinished business, and there are others as well. But I decided to talk about these.

One area Senator GRASSLEY and I discussed at length a couple weeks ago applies to millions of middle-income families this year. It is the 2010 alternative minimum tax. Another area is the death tax. In less than 1 month from now, the number of States to be hit by the death tax will shoot dramatically upward. Small businesses and family farms are going to be lost unless we do something about it. But here we are in the last few weeks of this session. They haven't done a doggone thing on the AMT patch. The House did something on death tax reform, but we have done nothing. Both bodies have done nothing. And they have done absolutely nothing on these tax hikes. When compared with the Lincoln-Kyl compromise on death tax reform, the number of taxable estates will be 10 times higher. In the case of family farms, it will be 13 times as high.

The third area is the 2001 and 2003 tax rate cuts. As important as extenders, the AMT patch, and the death tax are, the impact of this tax package down here is monolithic in comparison. I am referring to the marginal income tax rate reductions that are current law until the end of this month. I am also referring to family tax relief. Both pieces were the core of the bipartisan tax relief enacted in 2001 and 2003.

For an example of the importance of this package, we need look no further than a typical family of four. For a family of four earning $50,000 of income, the tax hike they face will be $2,136. In this slow-growth environment, who among us thinks it makes sense to hike this family's taxes by almost $200 a month? That is where we are. Unless we can get this all done by the other side cooperating, it seems to me, a family earning $50,000 is going to be socked an extra $2,136.

Contrast the record I have laid out with the two attacks directed at Republicans over the last 2 days. Just tell me, how could we possibly have held hostage any bill with the votes the Democrats have had over the last 4 years? The folks taking these partisan shots have had almost 4 years with an overwhelming majority in both the House and the Senate to deal with a massive tax hike set to kick in in less than a month now. Republicans have not controlled the House for 4 solid years. For almost 2 years, the other side has ruled with one of the most robust majorities in modern times. The motives of the minority in the House hardly ever solely determine the fate of any bill there. It is likewise in the Senate. A filibuster-proof majority has a lot of power. A majority that is slightly less than filibuster proof needs to work with the other side. That is the way the Senate has always worked.

Even if we Republicans were to decide to filibuster, how could we have filibustered something that doesn't exist? Look at all those prior charts. Not one doggone thing done. It is something that has not existed for almost 4 years of Democratic Party control of both Houses of Congress. Go back through the record. In the 4 years of majority rule, show me the Senate Democratic leadership bill that Republicans could obstruct. There hasn't been any.

Yesterday, finally the dam of inaction broke, but it broke on the House side. House Democratic leadership sent a bill late in the second week of this lameduck session. The bill does not prevent a tax hike on virtually every American taxpayer. But what kind of action is the House bill? It is political action, pure and simple. It is political. Look no further than the statements of the bill's authors, the House Democratic leadership. We can view that bill as an expression of partisan sentiment in the House Democratic caucus. It will not become law, and we all know it.

It is up to the Obama administration and Senate Democratic leadership to work with Republicans. The aim should be a bipartisan transaction or deal, if you want to call it that. Real legislating on these time-sensitive tax hike prevention issues is long past due.

What kind of actions are the American people receiving from the Senate Democratic leadership? The majority leader has used his procedural power to jam Republicans. He has a right to do that. But it has been consistent. Call a bill up, fill up the parliamentary tree, prevent any and all amendments in the greatest deliberative body in the world, and then try to ram it through. I have to say that these tactics also jam any Democrats who might differ with the Democratic leadership's scheme. And there are some who do. The sum and substance of the Democratic leadership procedural jam is to guarantee that we will waste yet more procedural and more precious time. If Members don't believe me, ask the congressional press corps outside the Chamber.

Taking a bet on a successful legislative outcome of the two jammed votes would not be a good wager. It could be akin to accepting an offer to sell the Brooklyn Bridge from a fast-talking New Yorker. No one is fooled by this move by the Senate Democratic leadership. I challenge any of my friends on the other side to show me the votes.

How will the actions of the Democratic leadership advance the ball if

the two votes are designed to fail? Sure, maybe from their perspective there is some cheap political benefit to the Democratic leadership and Democratic Party staging these jammed votes. As one member of the Democratic leadership implied yesterday, maybe there will be some campaign material produced. Is that what this is all about? Is that what the greatest deliberative body in the world is all about in the last few weeks of this session when this country is in the fiscal problem it is in?

I ask my friends to step back and take another look at the political calculation they may be making. The American people are angry. I have held seven townhall meetings in the last few months, plus two tele-townhall meetings. The American people are very angry. The American people know it has taken almost 4 years for our friends in the Democratic leadership in both the House and Senate to address this looming tax hike. They have had monumental majorities that would have enabled them to put just about anything through that they wanted, such as the looming tax hike they all knew about when they took power long ago. Is it really worth running through this political charade with a couple of partisan votes and campaign commercials that may be used 2 years from now? Is it really that important?

I ask my friends in the Democratic leadership and the Democratic side to consider the political calculation further. Especially consider it when these two partisan jam votes fail. If they want to keep playing politics with a big tax hike on virtually every American, what will they say when we hit the last day of this calendar right here? Will they say: Too bad, American families. Will they say: Too bad, small business folks. Will they say: Jamming the other side with partisan votes was our foremost goal. What will they say after wasting the hard-working taxpayers' time and money on these jam votes?

Let's go to the partisan allegation that it is not helpful to the goal of a bipartisan deal. It is the second theme to which I referred. Many on the other side ascribed to Republicans a motive to take whatever action necessary solely to provide tax relief for high-income taxpayers. Now, let's be clear. Senate Republicans and Democrats both want to prevent tax hikes on middle-income families. The only difference is Senate Republicans want to do more.

On this side, in this slow-growth environment, we do not want to raise taxes on anyone right now. Yesterday, I discussed some of the reasons for preventing any tax hikes, even preventing the so-called millionaires' tax hike. It is a hit on small businesses, and we all know it. It is a hit on the after-tax rate of return on investment. This so-called millionaires' tax hike will slow the flow of the lifeblood of business—capital.

Let's be clear. On our side, we want, just as much as the Democrats want, to protect middle-income taxpayers from a tax hike. Nearly every Republican in 2001 supported it then, tried to make it permanent, and we support it now.

You need look no further than our leader's bill. It is right there in the bill. On our side, we want more of these middle-income taxpayers to keep their jobs. We want a business and investment environment that reduces the punishingly high unemployment rate of close to 10 percent now. That does not even talk about the underemployment rate which is a little more than 18 percent when you include people who do not even want to look for a job anymore and those who have given up.

Almost 4 years ago, in the 2006 election, the American people provided the Democratic Party leadership with control of the Congress. In the 2008 election, almost 2 years ago, the American people provided the Democratic leadership with the largest majorities in more than a generation. They also provided the Democratic leadership with a President of their party.

The Democratic leadership spent the period of 2001 to 2006 thwarting efforts to make the bipartisan tax relief of 2001 and 2003 permanent. Upon assuming control, they spent almost 4 years with no legislation, as you can see on this chart, to make permanent or even extend the marginal rate cuts and family tax relief packages. No Senate legislative action, no Senate committee and floor action, no Senate action until this late lameduck session partisan jam vote.

The Senate Democratic leadership needs to engage. Engagement is defined as a constructive activity with the goal of changing the law. Engagement is not defined as repeating a dead-end partisan process like we have seen with the extenders bill—something we should have passed long ago and we were willing to. Time-sensitive tax legislative business should go through the regular order process. It is too late for that now, as you all know, as we all know.

It is too late for partisan stunts. The American people need action. Actions speak louder than words. It is too risky for all of our constituents to aim for partisan stunts. The clock is ticking, and soon this calendar, in this year right here—this whole calendar—will be history.

Well, the Americans deserve real legislative action. As I have said, it is one thing to come on the Senate floor now and try to raise the thresholds and so forth at this late date. But the fact is, small businesses are mainly partnerships, sub S corporations, entities where the income comes to the small businessperson who, in most cases, if they want their business to grow, puts a lot of that income back into creating jobs and opportunities.

I have even heard the phony argument over the years that, well, it is only 3 percent of small businesses. Well, that 3 percent is 750,000 businesses that create 70 percent of the jobs in this society.

I would like to see jobs recreated. I would like to see us do the things we are here to do. I would like to have the White House—they have brilliant people in the White House, brilliant people, not one of whom, to my knowledge, has been constructive in his or her lifetime in creating private sector jobs. They are great at creating public sector jobs, as we have all seen over the last couple years, as Federal jobs have jumped dramatically. But hardly anybody down there even knows how to create a private sector job.

I do not want to be mean to the President or anybody else. These are brilliant people. Maybe there is something there that they can come up with. But they sure as heck are not helping us get through this end of session in a way that will create jobs.

I hope our negotiators on both sides will wake up and realize we have to do what is right for this country, and we have to do some things that will help small businesses in this country create jobs. At a time when unemployment has now jumped to 9.8 percent, with the underemployment rate over 18 percent the last time I checked, it seems to me the worst thing we could possibly do is mess it all up with tax increases against anybody.

I personally have suggested that since Republicans want this tax relief of 2001 and 2003 to be permanent, since we have wanted that, and the Democrats have wanted only those at $200,000 and $250,000—below those figures—to have the tax relief, and they want their so-called middle-class tax rates to be permanent—which we would keep going because we believe as much in middle-class tax relief as they do—in fact, I think actually more—it seems to me we ought to get together and we ought to at least give this economy a chance over the next 2 or 3 years, as much as I would like to make this statute permanent, and give us a chance to be able to regenerate jobs in this society in ways that make sense.

Keep in mind, when we start talking about the so-called millionaires' tax, we are talking about 56 percent of all capital gains rates paid by people, many of whom are small businesspeople who will create jobs if we can get rid of the uncertainty that, I have to say, has been continuous over the last 4 years, and certainly over the last 2 years.

I just hope we can get together. I hope nobody will construe my remarks as trying to pick on anybody. I do not want to do that. I just want to make these points because I think they are relevant, they are truthful, and, frankly, it is time we get together and get these problems solved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, first, let me thank my colleague from South Dakota, Senator THUNE, for allowing me to precede him.

Mr. President, I come to the Senate floor this morning to urge my colleagues—all of us—to move very quickly to pass tax relief for middle-income Americans. We have a crisis in this country: a crisis of jobs, a crisis of income for middle-class families. One of the ironies is I was here in 2001 when the Bush tax cuts were proposed. One of the major premises of those tax cuts was, well, this is going to free up the engine of job creation. It is going to result in such economic growth that our surplus—and at that time we had a surplus—is going to be sustained, if not increased.

The record is that we have seen the worst private sector job creation in this decade since pre-World War II. We have seen the incomes of middle-class Americans stagnate, while we have seen the incomes of the very richest expand dramatically.

One of the phenomena that was taking place at the end of the 1990s and in 2000 and was a function of several things—first, tough tax votes by Democrats alone in 1993 to begin to balance the budget; second, Federal Reserve policy that recognized those tough votes and was appropriate in terms of providing an adequate interest rate level; and the third was something, frankly, we did not even recognize: the explosion of information technology in terms of how it made us more productive—but those three factors together led us to the year 2000, to a situation where we had a surplus. We had unemployment rates that were very low, particularly relative to today.

Then the Bush administration came in and decided tax cuts, particularly tax cuts for the upper income Americans—because that was the implicit argument, that they create the jobs—if you give those tax cuts to the wealthy, they will create the jobs. Well, we have had 10 years of real experience, and that has not worked.

There are other factors that intervened. We have had two wars we chose not to pay for, increasing the deficit; we vastly expanded entitlements—not reforming them really but expanding them—through Part D of the Medicare Program, which was also unpaid for.

Now we are looking at the worst economic performance we have seen since the 1930s. We need to do two hugely challenging missions: First, we have to grow jobs. We have to continue to sustain demand. That is why in that context a tax cut for middle-income Americans makes some sense now. I did not think the package of tax cuts made any sense in 2001. I voted against it. I think we should have stuck with the hard-won surplus, investing in the country. Or if we were going to provide tax relief, give it to the middle class, give it through a reduction in payroll taxes that will encourage more employment, give it in a way where it is targeted to those people who are struggling with jobs, with college tuition. That was not the choice that was made though. I think that choice back in 2001 was the incorrect choice.

But now we have another choice, and this choice—again, mission 1: How do we keep this demand going? How do we sustain it? There is a strong argument to provide a continuation of the middle-class tax cuts.

But the next mission is, how do we rein in this deficit? That requires tough choices. To me, the idea of withholding further income tax breaks for the wealthiest Americans, that is something that in terms of deficit reduction is probably a lot easier to do—and, frankly, there is nothing easy to do around here these days—but a lot easier to do than some of the glib discussion or claims that we will just reform Medicare, or we will reform this entitlement, or we will cut this defense program, et cetera. All of that may have to be done, but ask yourselves: If we cannot do this, how likely will we be able to take on even tougher issues that confront us?

So I think this is a defining moment in terms of our continuation of supporting working families, expanding the economy, growing jobs in America, and also taking at least a small step to begin to deal with the deficit. We know the addition of these tax breaks for the wealthiest—and let me put the tax issue in context. We have a progressive tax system. People who make a lot of money will enjoy all the tax reductions that stay in place for middle Americans. They will not enjoy the tax cuts that were imposed by the Bush administration for the wealthiest. That cost to the Nation over 10 years will be $700 billion of additional deficit.

We are already in a hole, and we are going to dig ourselves much deeper. We can decide—and I hope we do—to continue to try to provide support to middle-income Americans, and at the same time achieve that other objective which must be dealt with: somehow trying to get a handle on the deficit—a deficit that the President inherited, along with an unemployment rate that was unacceptable. Progress has been made, not enough progress in terms of employment, and we have to keep up the effort.

So this is an issue of providing support for working Americans and beginning the long-term difficult task of getting the deficit under control. It is a difficult task. I was here in 1992 and 1993 and 1994 when it was done—and it was a difficult, arduous task.

The bill that Chairman BAUCUS is offering today will also extend the Making Work Pay tax credit that gives all working Americans a $400 tax cut in their paycheck through 2011—again, to encourage work in the United States. It will make the child tax credit permanent. It cuts taxes for families paying college tuition, State and local sales tax, and property taxes. All of that is aimed at working families, our constituents. It also cuts taxes for business research and development, other programs that are going to help, we believe, stimulate job creation. These are very important.

At the crux of it, though, is this decision to support working Americans, middle-income Americans. Again, there is a tendency in these kinds of debates to be stereotypical and to misunderstand. People who have been very successful in the country and make a lot of money work awfully hard, but I use the term to refer to those middle-income Americans who are working very hard, facing real challenges, and don't have the same kind of support they just had, if you will, 2 or 3 or 4 or 5 years ago to fall back on.

There is another aspect of this legislation that is pending before us. One point I wish to make is that there is a national housing trust fund that was discussed being included. That is not included, and I hope we can include it. That is another program that is going to help put people to work, and I hope we can do that.

Then, of course, there is the other aspect of the Baucus bill; that is, the emergency unemployment compensation. We just received a report from the Council of Economic Advisers, and they have pointed out that this program has helped 14 million unemployed workers as of October 2010, and at that time, there were nearly 5 million unemployed workers benefitting from these programs each week—5 million Americans. These people were working. They got caught up in this recession. This is, for many of them, the only constant source of support they have now as they look for work.

We have seen this benefit not just the recipients but their families. In fact, there has been an estimate of about 40 million people—spouses and 10.5 million children—who have depended in part on getting these unemployment benefits.

It has also been able to maintain employment. There is an estimate that 800,000 jobs have been maintained and created because of this unemployment compensation. That is because when someone gets their check, they do not usually toss it aside; they cash it. They go to the grocery store. They go to the gas station. They go to places they have to go. They put a little tuition down if they have to pay tuition on a child's education because they desperately need these funds. So in that regard, it creates and sustains jobs.

We are in danger, frankly, of seeing this UI program terminated. I think we have to continue it. I think it will add immensely to the efforts under way to help middle-income Americans. The average benefit is about $300 a week. That is certainly not an inducement to say: I don't need to look for work; I want to spend the rest of my life making $300 a week. The program provides up to 99 weeks of benefits. There is no attempt to extend it, but it would be the same 99 weeks people were able to benefit from 2 years ago. So I think we have to do that. That is part of this debate also. I would hate to see that the only thing we do at the end of this day is pass tax cuts and not also include unemployment compensation.

I think we have to have a middle-class tax cut, but we also have to have unemployment compensation benefits extended. I don't have to tell anyone in this room that the unemployment rate is too high everywhere. In my State, it seems to hover between 10 and 12 percent. We have never withheld emergency unemployment benefits nationally as long as the unemployment rate was above 7.2 percent. Republican administrations, Democratic Congresses; Democratic administrations, Republican Congresses—in every combination, we have always understood that this program needs to be renewed.

So I have heard other proposals such as, let's do this, but let's offset it by unobligated funds. But these unobligated funds could include many things. For example, they could include a border fence in Arizona and California because there are funds there that are unobligated. Now, I ask some of my colleagues on both sides of the aisle, is that what they intend? Border Patrol stations in Texas, Arizona, California, and Washington. Construction of Coast Guard ships and planes and the National Security Cutter built in Mississippi. Then there are cyber security investments to secure Federal information systems. We have just been briefed on the profound and deleterious impact of the WikiLeaks. We have a lot of work to do to improve our security systems. Are those unobligated funds coming out of that program? Homelessness assistance grants that go to help people who, in many respects, are homeless because of a combination of factors: They have lost their jobs; they have different problems. So, literally, are we borrowing from Peter to pay Paul? Are we telling someone they can't get Section 8 housing because we paid someone else's unemployment benefits?

So the proposal to pay for this by unobligated expenditures might have some rhetorical appeal, but I ask, what are these expenditures? If we are so committed to being clean and transparent about what we are doing here, then list them out: We are going to cut funds for border fence, Border Patrol stations, the Coast Guard. This is how we are paying for it. Otherwise, I think, frankly, we should go ahead and pass this as we have always done—as emergency spending—because it has a stimulative effect. For every dollar of unemployment compensation, there is estimated to be $1.90 of economic activity. It goes right back to the obvious, simple point we all grasp: When that check comes in, it is not tossed aside. It is cashed immediately for grocery store visits—all of those things are done. It gets the economy moving.

We are at a crisis, at a critical point. We have 10 years of experience that, despite all the rhetoric, tax cuts that go to the wealthiest Americans probably don't contribute directly and immediately to jobs in the United States. We can save not only working Americans by giving them a little help in their tax check, but we can begin the long, difficult struggle of going from a deficit to a surplus. I have done it once. It is not easy.

Frankly, I think the choice before us in the next 6 or 7 months will look a lot clearer and more graphically in favor of the position we are advancing than some of the proposals that are floating around in terms of programs such as Medicare and defense spending, et cetera. All of them have to be looked at. But if we can't do this, I think a lot of Americans and people around the globe are going to start asking the question: Do they have the political capacity to make the difficult choices that are necessary?

A final point. Many of my colleagues say, and I think with great insight, that the real judge of some of our economic policies is the marketplace, the people who buy our Treasury securities. I wonder if they see us as literally unable to make this choice between stimulus for the middle-income Americans through tax cuts but saving $700 billion. We can't make that choice? I wonder what that is going to do to their confidence in our ability to make tough choices down the road, the confidence that keeps them buying Treasury securities. We should think about that.

I urge passage of the proposals we have before us that would provide a middle-income tax credit while saving money and preserving further deficit spending under the Republican proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I wish to acknowledge the remarks made earlier by my colleague from Utah whom I thought did a nice job of providing a history lesson for Members of the Senate about the past several years of tax policy and why we are where we are today. I don't think there is anybody here in this Chamber or any Senator from any State who doesn't acknowledge that we have a big problem right now with 9.8 percent unemployment.

We have a lot of things on which we agree in the Senate. We have a lot of things on which we disagree. I think the one thing we agree on is that 9.8 percent unemployment is unacceptable. I think the thing we disagree on is how we get that unemployment rate down. How do we create jobs? How do we get people in this country back to work?

There has been a lot of discussion about various issues that might be dealt with here in the Senate before the end of the year, most of which don't deal with this fundamental issue. The fundamental issue that is important to most Americans—and I have heard many of my colleagues get up and talk about people who are hurting. They are hurting.

We are going into a holiday season with a lot of people unemployed, and with the numbers that came out this morning, that number got worse. We have more people unemployed, more people hurting economically. Yet in the waning days of this legislative session before the holiday break and before a new Congress gets seated next year, we have had discussion and motions about the DREAM Act. We had motions about don't ask, don't tell. We talked a lot about getting the START treaty done before next year. There has been discussion about this Public Safety Unionization Act. I think all of these things are probably important to certain Members of the Senate but none of which are as important to the American people as the point I just mentioned; that is, 9.8 percent unemployment.

People are hurting. People have lost jobs in this country. That is the fundamental point that I think drove voters out to the polls in November. They want the Congress to focus exclusively on fixing this economy and getting people back to work. Yet we came back here in December and spent 7 days here in the Senate on a food safety bill—not that that is not an important issue. It is an important issue, but is it as important as dealing with this number I just mentioned—9.8 percent unemployment?

The irony about the food safety bill is that after we spent 7 days on it, we had a little snafu. It went over to the House of Representatives and somebody blue-slipped it, which is something they have the prerogative to do, because it turns out there were revenue increases in that bill, and revenue measures have to originate in the House of Representatives. So that bill, for all intents and purposes, is dead for the rest of this Congress.

So we spent 7 days here in the Senate on the food safety bill. Now we are talking about doing something on unemployment, which is something we should have been talking about. We all knew that the deadline was coming and that it was ahead of us. We have these tax rate increases that occur on January 1 of this year, which is something we should have been focused on. It is not any secret that, as the Senator from Utah pointed out, the tax laws we have today have been the tax laws now for the better part of a decade. So if we knew they were going to expire on December 31 of this year, that wasn't a secret. Many of us here have been advocating for some time for a permanent extension of those tax rates, but that wasn't acted on. There weren't opportunities—or at least the Democratic leadership, since they have been in charge here, has had no appetite to deal with doing something about a permanent extension of those tax policies. We have had tax extenders we have been talking about for the last year, but nothing has happened. We had tax policies that expired on December 31 of last year which haven't been extended yet. We have a whole bunch more in addition to the 2001 and 2003 tax laws that expire at the end of this year, all of

which impact some sector of our economy and most of which are very important to job creation. Yet for the better part of this year, what we talked about were issues that arguably the other side wanted to put before the Senate.

We had a stimulus bill which borrowed $1 trillion from our children and grandchildren which supposedly was going to keep unemployment under 8 percent. We all know that obviously didn't work. We had a massive expansion of health care, which is going to spend, when it is fully implemented, $2.5 trillion. We have had debate about financial services reform. I am not saying that any of these are unimportant issues. All of them involve new spending, creation of new government, new bureaucracies, and at the same time ignored what I think is the fundamental issue, which is jobs and the economy. That is what we have heard repeatedly.

Now, the reason I think so many people turned out at the polls in November was because they were very concerned about what has been happening in Washington, and they wanted to come out and protest the policies that were coming out of Washington, DC, because they thought they were counterproductive in terms of the ultimate goal of creating jobs and expanding the economy and getting people back to work. Yet we didn't have a discussion during the entire lead-up, runup to the elections about getting these, with the exception of efforts on our side to get amendments on the floor, about these expiring tax rates.

We do have taxes going up on January 1 on income, on capital gains, on dividends, on estates. You can go right down the list. There isn't anything in any sector of our economy that isn't going to experience higher taxes on January 1.

In fact, it was interesting. This was a U.S. News and World Report article from yesterday, a story in there that said:

Failure by Congress to extend the Bush tax cuts, especially locking in the 15 percent capital gains tax rate, will spark a stock market sell off starting December 15 as investors move to lock in gains at a lower rate than the 20 percent it would jump to next year, warn analysts.

It goes on to say:

''Capital gains tax rate will increase from 15 to 20 percent if the tax cuts are not extended. The last time the capital gains tax rate increased—on January 1, 1987, from 20 to 28 percent—investors realized their gains at the lower tax rate,'' said Daniel Clifton, a Washington partner at Strategas Research Partners. ''We would expect a similar effect this time around as investors see the tax rate going up and choose to realize gains and incur the [lower] 15 percent tax.

In a memo to clients, [this particular firm] says that the date most clients are focused on is December 15 for a deal in Congress before beginning to sell. One reason: Many stock options expire that day and investors have to act.

. . . Fixing this issue next year will not negate these negative impacts.

If they say we are going to put this off until next year, a lot of folks will say: I don't trust these guys; they haven't done anything with this yet. They are going to sell off, and that could have a very destructive impact on the market and on many people's gains and things that have been acquired this year, stocks and investments. It is unclear how bad the selloff would be, it says. But it could wipe out all of this year's gains.

That is one reason out of many that we need to act to address this important issue before the end of the year. It is fair to say, as well, that contrary to what has been espoused by the other side about people getting tax cuts, a lot of people are going to get tax increases. This has been tax law for the better part of a decade. A lot of it was put into effect in 2001 and some in 2003. So these tax cuts we have in effect today on capital gains dividends, marginal income tax rates have been in effect for many years now. What we are going to experience on January 1 is not a tax cut but a tax increase on a lot of people in our economy.

The argument was made throughout the course of the year that we need to allow the tax cuts to expire for people above $250,000. Of course, we pointed out that half of all small business income would be taxed at a higher rate if we allow those to expire for people above $250,000, and 25 percent of the workforce would be impacted. I think that was a view that was shared by the American public.

There was a CNN poll that I have here that was done in September, where 60 percent of Americans said all the tax cuts put in effect many years ago ought to be extended for everybody. I think that was a view shared by people when they voted during the election.

I remember campaigning for people across this country—Senate candidates and House candidates—and this was a landslide election, a watershed election, by American standards. If we look at the number of new Members in the House, I think Republicans have 83 or 87 new Members, and there are a number of new Senators. In all of those campaigns, and in all of the advertising I saw, in all of the speeches I heard from candidates in traveling around the country, I didn't hear any of them say: I want you guys to go back, when you get to Washington, and deal with this food safety issue or we want you to pass the DREAM Act. I didn't hear anybody say: We want you to go back and address this issue of don't ask, don't tell. I didn't hear anybody say: We want you to go back and pass the START treaty.

These are all important issues. But, remember, that is not what the American people are concerned about. Certainly, these are important, but not the most important we should concern ourselves with, which is the 9.8 percent unemployment rate and the fact that a lot of people are hurting and don't have jobs in this country. I think the issue of extending unemployment benefits, which will be dealt with—and for how long, I am not sure—is, is it paid for? I believe it should be; some don't. In any case, I think that will be dealt with.

That is a symptom; that is not the cause. The cause for people hurting in this country is that we have policies in place that are making it more difficult for small businesses to create jobs.

The best solution for the American people is a job, to get people back to work. Raising taxes has never been a way of creating jobs. Now, the $250,000 threshold I think the other side concluded was not good politics. So it has been tested and polled, and that is a losing issue. It does impact so many small businesses.

So the latest version is to raise that to $1 million, and that is a vote we are going to have sometime tomorrow.

The fundamental point I am making is, I think the American people understand that to grow the economy, expand the economy, and create jobs, we have to incentivize the job creators to create jobs. We can't do that by raising their taxes. We can't do it by passing new regulations and making it more difficult and costly for them to do business. That is basically what this whole past year has been about. My counterparts on the other side have attacked Republicans on the floor for the situation we are in, saying: Republicans are blocking us from dealing with all these important issues.

We did send a letter this week, signed by all 42 Republicans, and the letter was simple. The message was this: Yes, we think there are a few days left in this legislative session, and we ought to use those days to focus on the things the American people care about. Notwithstanding any of the polls we are taking today, the best poll was election day. What people voted on on election day was jobs, the economy, reducing spending, and debt. The letter we put forward said let's focus on the tax issue and get that resolved. It is so important to our economy and it provides certainty for job creators to create jobs. Let's focus on funding the government and dealing with this issue of spending.

Those are the two most important issues, as I think was expressed at the ballot box by people across this country this year. Then, if you want to move to other issues, fine. We had 42 Republicans who said that. I think that is perfectly appropriate and in accordance with what the American people want us to do.

As I said earlier, we spent 7 days on food safety, which is arguably an important issue. I am not discounting that. That was 7 days spent on a piece of legislation that went to the House, was blue-slipped, and is not going to become law this year. We lost 7 days that we could have been talking about getting tax rates down for middle-income taxpayers and investors. We could have dealt with the issue of the death tax because on January 1 the exemption for the death tax comes down

to $1 million, and the top rate goes up to 55 percent.

I have heard repeatedly from farmers, ranchers, and small businesses in my State the concerns they have about that. What are they going to be able to do if they want to pass on their business or their operation to the next generation, and if they have a $1 million threshold and anything above that, that would be taxed at 55 percent, that means many of them will be forced to liquidate their holdings in order to pay the IRS. That doesn't seem like a very good way to run a government or create jobs in the economy.

Again, I simply point that out as the reason I think in these waning days of this session that Congress should focus on this 9.8-percent unemployment rate. The unemployment debate, the debate about unemployment benefits which will occur here is a symptom of the high unemployment rate. But the cause of the high unemployment rate is the fact that the policies coming out of Washington, DC, are not conducive to job creation in this country. It doesn't have anything to do with these Bush tax rates because, frankly, we saw a lot of economic growth in the early part of this decade.

Since 2008, we have been in a recession. Since 2008 we have had a President in the White House and a huge Democratic majority in both Houses of Congress which have attempted to address this issue in the form of a stimulus bill which added trillions of dollars to the debt but didn't reduce unemployment. It created 250,000 new jobs in Washington, DC. The food safety bill, according to estimates, would create another 17,000 jobs in Washington, DC. So almost anything that has been done hasn't created private sector jobs but has created a lot of government jobs.

That is not what people want. They want jobs in the economy. They want the small businesses on their Main Streets and in towns and communities to be able to invest, be able to hire that new employee, or buy that new piece of equipment, add to the productivity of their operation in a way that will expand the economy, grow the economy, and create jobs for more Americans. I think that was the message of the election. I think that is the interest of the American people still. It is not on all these other things.

I understand there is a need sometimes for political parties to check the box to say they have done this or tried to do that for a particular constituency. That is perhaps what drives the reason we have to have votes on some of these other issues. But at the end of the day, it comes down to one simple basic fundamental fact: A lot of people are unemployed, hurting, and the policies of Washington, DC, are contributing to that. I think you can't blame Republicans in the Congress where for the last 2 years the Democrats have had huge majorities. In the Senate, they have 58 votes now, and they had 60 votes for 2009. They had 250 votes in the House of Representatives. They had the White House. Yet here we are 2 years later and unemployment has actually gone up. We have fewer people finding jobs in this country and an economy that continues to struggle and Washington, DC, that seems more intent on dealing with all these issues that are unrelated to the fundamental issue, which is creating jobs and getting people back to work.

Mr. President, I urge my colleagues, as we head into the end of the year to stay focused on the issues the American people care about—jobs, the economy, their ability to pay their bills, and to hopefully save a little money for their children's college education. As we head into the holiday season, they want to have a good holiday season with their families. But this idea that somehow the way we help the American people in this country is by focusing on these unrelated issues, and talking about things that they at this particular point in time are not particularly concerned about, strikes me as missing the point and not having gotten the message the voters sent in November of this year.

Again, I urge my colleagues in these last few days to work on keeping taxes low on all Americans, extending the tax relief. It is not a tax cut. It will be a tax increase starting January 1 for people across this country, including the job creators. We cannot allow that to happen for the best interests of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am here, like so many of my colleagues today, to talk about the situation in which we find ourselves, where millions of American families and small businesses, on January 1, are going to see a tax increase because the Bush tax cuts are set to expire.

Before I talk on that issue, I heard my colleague from South Dakota speaking. I think it is important to point out the differences of opinion in some of his remarks because he talked about how great things were in the previous decade, in the early years of this decade. But he neglected to point out why we are in the situation with this recession: because of the financial meltdown, the recession that began in 2007 and 2008 as the result of so many of the policies of the previous Bush administration.

Unfortunately, if those tax cuts that everybody is talking about were going to create so many jobs, we have had them for 10 years, and I want to know where the jobs are. I have a lot of people in New Hampshire who are unemployed, and they are not benefiting from those tax cuts because they haven't created the kinds of jobs my colleague from South Dakota is talking about.

I appreciate the frustration that is there because this recession has gone on way too long and been way too deep, and too many people have suffered. But the efforts of this Congress, through the American Recovery Act to try to stimulate our economy and keep people working has been successful. There are construction workers, there are teachers, and there are small businesspeople in New Hampshire who are working because of the dollars spent under that Recovery Act. The estimates are that 3 million people are working now or have been kept working because of the dollars in the Recovery Act.

I just think it is important for us to correct the record a little about why we are where we are today and how best we can get this economy moving again.

Like everybody else here, I think tax increases on struggling small businesses and on families who are just getting by would be devastating to them and to our economy. I understand we have to do something about that. But at the same time, we face another growing problem, and I don't think we can talk about how we are going to deal with these tax cuts without recognizing that we have to look at a long-term plan for how we are going to deal with this other growing problem—the problem of our national debt.

Our national debt is now approaching $14 trillion. It is approaching that number quickly. In an effort to address the growing debt, I joined 12 Democrats and 15 Republicans, including my New Hampshire colleague, Senator JUDD GREGG, in cosponsoring legislation earlier in this Congress to establish the National Commission on Fiscal Responsibility and Reform. Now, although that legislation failed, earlier this week a similar debt reduction commission, one appointed by President Obama, issued its report. The findings are very sobering. The report indicates that we need to take dramatic action to reduce our debt. We need to develop a plan for how we are going to do that and we need to do that sooner rather than later. This is not a problem we can keep kicking down the road and expect it is going to solve itself. But while we are developing that plan, we need to look at how we can do everything possible to get the economy moving again.

We need to confront an economy that is still recovering from a deep recession. I appreciate, as all my colleagues do, that now is not the time to raise taxes on middle-class Americans. Senator BAUCUS has proposed a plan that makes sense. It keeps taxes low on middle-class Americans, so it essentially extends middle-class tax cuts, and it also makes some smart, targeted tax cuts—tax cuts that can help us lay a foundation to create good jobs and grow the economy.

For example, I am a strong supporter of the research and development tax credit. When companies invest in developing new technologies, as the R&D tax credit helps them do, they generate

high-paying jobs and solutions that change our world for the better. Investment in R&D plants seeds that will grow our economy and create jobs for decades to come. I believe we should make the tax credit permanent myself, but I am pleased Senator BAUCUS's plan extends it for at least 2 years.

The Baucus plan also reauthorizes Federal unemployment benefits, and the extension of unemployment benefits is one of the best things we can do to help average Americans and stimulate our economy. This money will not sit quietly in the accounts of millionaires and billionaires. It will get spent immediately at the local grocery store, at the pharmacy, at the gas station, and at other small businesses that need that spending the most. In fact, economist Mark Zandi, who was a former adviser to Senator MCCAIN, has cited unemployment insurance as one of the three most effective uses of Federal funding. According to his analysis, every dollar we invest today will create $1.61 cents in economic growth. That is a good investment in today's economy.

I think it would be great if we could give everybody a tax cut and not worry about the consequences. I would love to do that, but we don't have that luxury. Tax cuts for the wealthiest 2 percent in this country will cost America $700 billion over the next decade. Let me be clear: I don't think we should heap another $700 billion onto our national debt. That would be irresponsible. It isn't fair to our children and it isn't wise for the economy.

I think we need to move forward and provide certainty for taxpayers—everybody agrees with that—and to do that we will have to compromise. It takes working together, Democrats and Republicans. So I am also willing to vote for Senator SCHUMER's plan to extend tax cuts for everyone except those who make over $1 million a year. I think this is important to ensure that we include small businesses that might get hit at some level.

I hope my colleagues on both sides of the aisle will come together; that we can negotiate a package that is responsible with taxpayer dollars, that stimulates our economy, and that protects middle-class Americans. That is what I am hoping to do, and I look forward to working with my colleagues on both sides of the aisle as we try and develop a compromise that can allow us to move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, earlier today, I was listening to the Senator from Illinois, Mr. DURBIN, and he talked about coming over to the Senate floor from a meeting over in the Dirksen Building, which he said is about a block away, but he said it was like going from the real world to a surreal world here in the Senate. As I have listened to some of these Senators on the Republican side speak since then, I think Senator DURBIN is right on the mark.

What is going on here? Sometimes you have to stop and say: What truly is going on here? We have lost touch with what is happening in America—to ordinary Americans, to the real middle class. What do we have here? We have Republicans who will not do anything until we have a tax break for the richest Americans—continue these tax breaks.

I listened to my friend from South Dakota recently who was just on the floor talking about creating jobs and all that kind of stuff. Well, we just had the new unemployment figures come out this morning from the Labor Department—the Bureau of Labor Statistics, which says unemployment rose to 9.8 percent. But that is just the official unemployment figure. Actually, if you do a full accounting of payroll data, if you take into account the 14.8 million workers who are part time, of necessity, because they can't get a full-time job or they are discouraged and have left the workforce because they have been looking and they are out of work and they have gone past their 99 weeks of unemployment compensation, according to Leo Hindery, who is the chairman of the Smart Globalization Initiative at the New America Foundation, the real unemployment rate is now 18.7 percent—18.7 percent—and the job gap is not just 7.3 million, it is actually 21.9 million in real terms—21.9 million people in this country—who are either unemployed, underemployed, left the workplace because they are discouraged, their unemployment benefits have run out or they basically have shifted around and they are not any longer in the workforce. You take all that into account and you have 21.9 million people out there out of work.

Mr. President, I ask unanimous consent to have printed in the RECORD the study from the Smart Globalization Initiative project.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Friends, In a very disappointing announcement, the Bureau of Labor Statistics (BLS), using its Current Population Survey of non-farm jobs [attachment 2], announced this morning that in November 2010 ''U.S. employers increased (non-farm) payrolls by only 39,000 jobs, with 50,000 private sector jobs added in the month, versus a revised 172,000 overall payroll increase in October. The ''official'' unemployment rate rose from 9.6 percent to 9.8 percent.''

The BLS also noted that there are now 15.1 million unemployed workers and that since the Great Recession began (in December 2007) employment has decreased by 7.3 million.

The monthly BLS announcement regarding unemployment, however, as we note each month:

1. Uses only a survey of households rather than much more accurate payroll data;

2. Excludes changes in employment among the Nation's 11.0 million farm and self-employed workers; and, most important,

3. Does not take into account the 14.8 million workers who are either: (i) ''part-time-of-necessity'' because their hours have been cut back or they are unable to find a full-time job (9.0 million); (ii) ''marginally attached'' because while wanting work, they have not searched for it in the past four weeks (2.5 million); or (iii) ''discouraged'' and out of the labor force because they believe no jobs are available (3.3 million).

Our Summary of U.S. Real Unemployment [attachment 1] makes these three adjustments. It also identifies average weeks unemployed, job openings, and the ''Jobs Gap'' that needs to be filled in order to be at full employment in real terms. With the three adjustments made, in November:

The number of real unemployed workers in all four categories—BLS ''official'', part-time-of-necessity, marginally attached, and discouraged—increased by 59,000 workers to 29.9 million, compared to BLS's November figure of 15.1 million. Significant changes this past month in overall real employment included: private sector employment increasing by 50,000 jobs, which included 53,000 more professional and business services jobs; manufacturers shedding 13,000 jobs after shedding a revised 11,000 in October; total government employment declining by 11,000 jobs. The continuing loss of manufacturing jobs, for the fourth consecutive month, is of particular concern.

The real unemployment rate is now 18.7 percent, the same as October's real unemployment rate, compared BLS's dramatically lower ''official'' rate for November of 9.8%.

The number of real unemployed workers has increased by 13.2 million since the start of the recession, and since December 2008 it has increased by 5.3 million. By contrast, the economy needs to add around 150,000 new private sector jobs each month simply to keep up with population growth—in November, the increase was only 50,000.

The Jobs Gap is 21.9 million in real terms.

(I must note again that some in the national press, notably the New York Times, when commenting on real unemployment, still leave out ''discouraged workers'' despite the fact that this is a huge category and arguably the most effectively unemployed of the four categories. The all-in real unemployment rate of 18.7 percent drops to 17.0 percent if discouraged workers are not included.)

The average number of weeks unemployed is now at least 33.8 and the number of workers unemployed a half year or longer is at least 9.6 million (i.e., BLS's figure of 6.3 mm plus the 3.3 mm discouraged workers). When considered together, these two figures—average number of weeks unemployed and number of workers unemployed a half year or longer—are a much better measure of the real employment condition than the more commonly used ''initial jobless claims'' number. Each figure is now unprecedented in modern times.

Kindest regards,

LEO HINDERY,
Chairman, US Economy/Smart Globalization Initiative at the New America Foundation.

Mr. HARKIN. So we have a high unemployment rate, we keep losing jobs, and Republicans keep saying we have to extend the tax breaks for the wealthy. I hear that in terms of jobs—jobs, jobs, jobs. Well, that is interesting, because in 2007, the top 1 percent of all income earners in America took home 23½ percent of all the income in America. So let us get that straight. The top 1 percent took home 23½ percent of all the income. In fact, they took home more money than the bottom 50 percent of income earners

total in America. Eighty percent of all the increase in income earned from 1980 to 2005 has gone to the top 1 percent. In the wake of the 2008 Wall Street bailout, executives from Goldman Sachs received bonuses totaling $13 billion—$13 billion for Goldman Sachs.

So Republicans keep talking about we have to do more tax breaks for the wealthy. Well, after 10 years of tax cuts for the wealthy, where are the jobs? We have had this for 10 years—what they are trying to extend, the Bush tax cuts, which I never voted for in 2001. So we have had them for almost 10 years. If cutting taxes were so good for creating jobs, I ask my colleagues: Where are the jobs? Where are they?

It is that same old trickle-down theory. If only we would give more to the top, it will trickle down on everybody else. Well, as one worker told me the other day—talking about trickle down—who has been out of a job for 2 years: I haven't had a drop. He said: I would settle for a heavy dew. One person told me one time—and I will never forget this about trickle down—he said: If you have been raised on the farm, you understand something very simple. You don't fertilize a crop from the top down. You don't fertilize a tree from the top down. You fertilize it by putting it at the roots. You want to create jobs in America, you don't give it to the wealthiest in America, you start putting things down at the bottom.

If we want to get to the jobs issue in America, we have to start talking about what our trade laws are doing and how we are shipping more jobs overseas. Let's talk about our educational system and educating people into job retraining or rebuilding the manufacturing base in America so we can actually manufacture and make things here one more time—and I mean new things, not the old things but new things: rebuilding our infrastructure, our high-speed networks of communications, and make sure we have an infrastructure that is second to none in the world. There are a lot of things we can do to spur economic growth and jobs, but the worst possible one of all is giving tax breaks to the wealthy.

I haven't even touched on the moral implications of that or the justice or fairness issue, and I will, but just on pure economic grounds we know tax breaks for the wealthy don't do it. They never have and they never will. Yet Republicans keep wanting to do the same thing over and over and over again. Someone attributed this to Albert Einstein—I don't know if it is true—but whoever it was said: The definition of ''insanity '' is doing the same thing over and over and over again and expecting a different result. Republicans keep wanting to give more tax breaks to the wealthy and expecting that somehow, magically, we will have jobs created. Well, we gave all this money to Wall Street and to Goldman Sachs and I don't see any jobs out there anywhere.

My friend from South Dakota was talking about the election; that we have to listen to the American people. Well, here is a poll that came out this morning. Senator SCHUMER showed this earlier. This is a CBS News poll out today which shows that only 26 percent of Americans support millionaire tax breaks. Guess what. N ot even a majority of Republicans support it. Only 46 percent of Republicans support the millionaire tax breaks. So who are my friends on the other side of the aisle listening to? Wall Street. They are listening to those who have made a lot of money and they do not want to pay their fair share of taxes. They are certainly not listening to, I guess, the majority of Republicans who say they don't even want the tax breaks for the wealthy.

My friend from South Dakota was talking about the election. We had a big election. Republicans got elected to office in larger numbers. That is absolutely true. We can't deny that. But what ever happened to the election of 2008? It is as if it never happened. Yet 40 million more Americans voted in 2008 than voted in 2010. Do you know for whom they voted? They voted for Barack Obama. They voted for Democrats. They voted for change. They did not vote for more tax breaks for the wealthy. They wanted to change the system. That is what we have been trying to do for the last couple of years, except that we have had intransigence on the part of Republicans in the Senate in the form of one filibuster after another. So 40 million more people voted in the election of 2008 than voted in 2010. Again, what we need to do is change things. We don't need to change things to do more of the same, which is what the Republicans want to do.

I hear my friend—again, I cannot help but refer to this. He said that the tax increases never created jobs. That is kind of the way I heard it said. I wrote it down here—can't create jobs by raising taxes; never happens.

Frankly, I remember 1993. I was here then, and we had the Clinton bill here from President Clinton. It was sometimes called the Clinton recovery bill. We had all worked on it here. Did it increase taxes? Yes, it did. It increased taxes. Boy, did the Republicans howl. I was here. I remember. And all the economists on the other side were saying: Oh my gosh, if we pass this, it is going to be terrible.

I went back and got some of the quotes. My friend from Utah, Senator HATCH, said:

> Make no mistake, these higher taxes will cost jobs.

Senator Burns from Montana said:

> So we are still going to pile up more debt. Most of all, we are going to cost jobs in this country.

Senator Phil Gramm. This is August 5, 1993:

> I want to predict tonight that if we adopt this bill, the American economy is going to get weaker and not stronger. The deficit 4 years from today will be higher than it is today, and not lower. When all is said and done, people will pay more taxes, the economy will create fewer jobs, the government will spend more money, and the American people will be worse off.

That is what he said in 1993.

Do you want me to go on? My friend from Iowa, Senator GRASSLEY, said:

> I really do not think it takes a rocket scientist to know that this bill will cost jobs.

August 6, 1993.

Here they were all predicting this. I had a couple more I wanted to get in the RECORD here just to put an emphasis on it.

Representative Newt Gingrich—oh, yes—Republican of Georgia. On August 5, 1993, he said:

> I believe this will lead to a recession next year. This is the Democrat machine's recession, and each of them will be held personally responsible.

I like this one. Representative John Kasich from Ohio said:

> This plan will not work. If it was to work, then I'd have to become a Democrat.

If I am not mistaken, former Representative John Kasich was just elected Governor of Ohio. I didn't know he ran on the Democratic ticket.

History—read the history of it. You cannot deny it. As we often say around here, everyone is entitled to their own beliefs, but not everyone is entitled to their own facts, and the facts are very clear. After we passed the Clinton bill—with not one Republican vote—the economy started to get better, we started to create jobs, we started to reduce the deficit. In just 7 years—actually 6 years, a little over 6 years—we actually got a surplus in our budget—a surplus and a huge number of jobs were created with the higher taxes. The last time we had a surplus was then. We were on the path of reducing our debt, our national debt. We had more jobs. People were working.

Then George Bush came to office in 2001, and the Republicans looked at all this money that was coming in which we were going to use to pay down the national debt so our kids would not have a big debt hanging over their heads—they looked at all that and said: Oh my gosh, let's have a tax cut. And they rammed through a tax cut—they sure did—in 2001. They rammed through a huge tax cut that to a large extent benefitted the wealthiest people in this country. By 2007, the top 1 percent took home 23.5 percent of all the income and were not paying their fair share. But that is what they want to extend. That is what the Republicans want to do. They want to continue the Bush tax cut they put in 2001 for the wealthy.

So they took all that money that was coming in that we were going to use to pay down the debt so our kids would have a better future, they gave it all to the wealthy—not all but a fair amount of it—about 80 percent to the wealthiest in our country and a few crumbs and stuff to others. What did it do? It raised the deficit and put us in deeper debt than ever before—all so the wealthy could have a little bit more money. This is what they want to continue.

As I said, I think the evidence is clear that what they did in 2001 did not give us jobs, it hurt the economy, and widened the gap in America between the top and the bottom even more. It widened the gap even more in our country. Now they want to continue that same policy, and they say it is going to create jobs. It did not create jobs. We have lost jobs because of this.

I spoke here last evening, and after I spoke, the Senator from Texas spoke, and she was talking about who creates jobs in this country. It is the wealthy; they get this money and they create jobs. Entrepreneurs do create jobs. Most of the jobs and businesses created in this country were not created simply by the wealthy; they were created by ingenious people who had a good idea, were willing to work hard, gather some money together, get investors, and build a business. Most of the new jobs in America are not created by the DuPonts or the Rockefellers or the people like that; they are created by Steve Jobs and Bill Gates and the people like that who did not start with a lot of money, but they had a good idea and they were entrepreneurial and went to work and started these businesses.

So create more jobs, get more money to the wealthy? Here is the headline in USA Today recently. It said ''Luxury spending is back in fashion.'' Then underneath, in small print, it says, ''Jobless still aren't buying essentials.'' So I guess what we need to do is give more tax breaks to the wealthiest so they can go out—I just read about someone the other day going out and buying $2,600 cashmere scarves—$2,600 for a scarf. I suppose so.

I was just with a group of unemployed Americans the other day who came to Washington. Some have been out of work for over 2 years, all of them hoping we can extend the unemployment benefits—which the Republicans will not let us do, by the way, and I am going to get to that in a second. But I held this up. I thought, ''Luxury spending back in fashion.'' I asked those people who are unemployed if they were going to be shopping in Tiffany's this year. Maybe you are going to go down and buy a little jewel-encrusted broach for your wife or maybe, if you are a woman, you will buy one of those diamond-encrusted watches for your husband. Oh, I know, you are going to go buy a Lamborghini made in Italy or a Mercedes made in Germany. I said to these people: Maybe you would like to go down and buy one of those 3D, high-definition flat screen TVs made in Japan. That is where the money is going. The rich are not creating jobs; they are buying $2,600 cashmere scarves, and they are going to Tiffany's and buying jewels and buying wrist watches that cost $25,000, most of which are not made in America, anyway, but are made in some other country.

If you really want to give tax breaks to businesses, I am all for it if it is truly oriented towards businesses employing people in America, as long as their products are made in America, as long as they are manufactured here and they do not take the money and ship it off to some other country. If a business wants to start here and employ people here in America, manufacture something here—rebuild the steel industry in our country, rebuild manufacturing—I am all for it. I just do not believe in giving tax breaks to someone who takes that money and say: Guess what, I am going to invest it in a business in Thailand or in Germany or in Brazil. That is what they do. You give all that money to these wealthy people up on Wall Street and stuff, they can invest that money wherever they want, and out it goes, out of the country.

Since we have such high deficits and we want to get our deficits down, we want to create jobs, don't give it to the most wealthy in our country; give it to legitimate businesses that either start or expand and employ Americans and start making things here in America or put it into infrastructure spending, rebuilding the infrastructure of America—our highways, bridges, roads, schools, communication systems. That will create jobs. That will create jobs.

They say government spending cannot create jobs. I happen to disagree with those who said the stimulus bill did not create jobs. It sure did. It put a lot of people to work all over this country, not in government jobs but in rebuilding America. When you put money out there and you are rebuilding a highway or a bridge in Iowa or in Minnesota, it is done by private contractors, private businesses that employ people and spend the money here, mostly on products made in America. That is why infrastructure spending has such a good multiplier effect. It has a multiplier effect because when you build a new school or a new classroom or whatever, first of all, the work has to be done here, it cannot be shipped off to China. Second, the money is spent here. Third, most of the products that go into our infrastructure are still made in America. When you think about it, when you build a school, rebuild a school, you think about the cement, you think about the bricks, you think about the mortar, you think about all the conduits for the lighting, heating, ventilation, air-conditioning units, windows, doors, and 9 times out of 10, it is made in America. So you get a big multiplier effect from that money, and it does indeed create a lot of jobs.

I mentioned just a second go that I was with a group of unemployed who had come to Washington to petition their government for a redress of their grievances, and their grievances are that they are out of work, they are looking for work, and their unemployment benefits have just run out.

We have tried several times here on the floor of the Senate asking unanimous consent to extend the unemployment benefits for another year. The Republicans have objected every time. And the letter that was sent out by the Republican leader the other day said that they are going to object to anything passing this floor until they get their tax breaks for the wealthy. So they are holding hostage millions of Americans who have lost their jobs. Some have been out of work, as I said—I met some who have been out of work for over 2 years; some for a year or months. For $300 a week—that is about the average in unemployment benefits, about $300 a week. They say we cannot afford that. My Republican friends say we cannot afford that. But we can afford to give a $100,000 tax break to the wealthiest Americans. Think about that.

During this holiday season—I heard my friend from South Dakota say that we should wrap up our business so Senators can go home and spend our holidays with our families, have a nice holiday season. What about those millions of Americans who are out of work and have just had their unemployment benefits cut off? What about them? Are they going to have a nice Christmas?

Are they going to have a nice holiday season? The Republicans say no. Give the tax breaks to the wealthy first. Well, as I said, Wall Street executives got billions of dollars in bonuses—billions. They are probably going to have a nice holiday season. They will probably even shop at Tiffany's, Saks Fifth Avenue, Neiman Marcus. But how about the millions of Americans who are out of work who rely upon unemployment benefits, $300 a week, less than the poverty wage, and we are saying: No. No, we are not going to extend them during this holiday season.

The Republicans are holding them hostage. I am sorry. This is unconscionable. Have the Republicans lost all sense of fairness? Have they lost all sense of justice? Have the Republicans lost all sense of what is right and wrong? I mean, they can fight for their tax breaks for the wealthy. Fine, that is what they are fighting for. I understand that.

But to say we cannot extend unemployment benefits for people out of work because we have not yet given the tax breaks to the wealthy is a morale outrage. I ask: Where is our outrage at something like this? Where is the President's outrage at this? The President ought to be out there saying: This is morally outrageous, that we are going to deny unemployment benefits to people during this time of the year especially.

We can have our battles on the tax cuts. We can have those battles, but we should not hold hostage the people who are out of work today and need unemployment benefits. Some people say: Well, unemployment benefits, it makes people lazy.

Well, as I pointed out the other day in a speech on the floor, when eight people look for one job. There is one job for every eight people. So you have musical chairs going round and round.

One person gets it, and you have seven people still unemployed.

What a lot of people do not even know is that in order to even qualify for unemployment benefits, you have to be actively looking for work. You cannot sit at home. You have to be actively looking for work. A lot of the people I talked to 2 days ago who were here who were employed, you hear their stories. They have tried everything. Some have gone to different States. They have gone to different communities. They have tried everything to find another job.

I just read a letter from one the other day, a math teacher, has three college degrees. She has lost her job. She has tried to find work in different States. She has tried everything from McDonald's to everything else and cannot find a job.

By the way, the people who are truly hurting the most in this job market right now are people over the age of 50, mostly women. Women over the age of 50 who have worked hard, many of them had good jobs. Again, I spoke to one on Tuesday who had worked all her life, had a very good job. She admitted she was making $70,000 a year, good middle-class income.

She lost her job and has been out of work for over a year. She cannot find work. She has tried and beat the pavement and looked all over. But, you know what, she is in that area between 50 and 60. Very tough. Very tough. Yet we will not even extend unemployment benefits for people like her.

Well, as I said, I think it is a moral outrage, and I would hope our President would get out there and start saying that. Let the American people know how the jobless are being held hostage by the Republicans in trying to get their tax breaks for the wealthy.

So it is been said the Republicans are playing hardball. Well, if they are playing hardball for the rich, we ought to play hardball for the jobless, too, in this country. They want to play hardball, we ought to play hardball. My friend from South Dakota says he would like to get out of here and spend Christmas with his family. Would not we all?

But, I think, rather than identifying with those on Wall Street and those who wear suits and ties every day and have a comfortable life such as we do, we ought to be identifying with those middle-class Americans who are out of work.

If the Republicans want to play hardball, I think what we ought to say is: Look, we are going to stay here every day, we are going to be here every day, and every day we are going to ask consent to bring up this bill to extend unemployment benefits. If we have to be here on Christmas Eve, so be it. If we have to be here on Christmas Day, we ought to be here on Christmas Day, if necessary, so the American people will get an idea of what is going on in this Senate Chamber, the outrageousness of it.

So, yes, we would all like to spend time with family over the holidays. But unless and until we extend the unemployment benefits, at least at a minimum, we should not leave this Chamber and see how long the Republicans want to hold on to that and how much they want to deny people their benefits.

If 2 million Americans and 10,000 of my fellow Iowans are going to be suffering because they will not even be able to put food on the table or have a nice holiday season with their families because they are unemployed, the least we can do is identify with them. They are not going to have a very good holiday season unless we do something and take action. So I think we should stay as long as is necessary.

Lastly, for too long and for too many times, the Republicans have used an archaic 19th century procedure called the filibuster to thwart the will of the majority of the people in this country, to stop legislation, to stop a whole bunch of things, nominations, things they even, when we finally get them through, get 99 votes out of 100.

But they stop them because of a filibuster. Well, that may have been OK in the 19th century. It may have been OK in the early part of the 20th century. But we can no longer live with that. We cannot run a 21st century government in a 21st world with an archaic millstone around our neck called a filibuster.

When this body reconvenes in January, we finally have to break the shackles of that. We have to break the shackles of that 19th century rule, proceeding, where one or two Senators can stop everything. Stop it. I quote Vice President BIDEN who said: No democracy has ever survived that needed a supermajority. No democracy.

Ours cannot survive either if we continue with a supermajority needed in the Senate.

I hope we stay here. I hope we increase the unemployment benefits. We will continue the debate on the taxes. I will be supporting, tomorrow morning, the vote on continuing the tax benefits for those families making $250,000 and less, to extend the tax breaks for that group. I will not go higher than $250,0000. I will not vote to extend tax breaks for anybody over $250,000.

Quite frankly, if you make $250,000, you are in the top 7 percent or so of income earners in America. So is that the middle class? I think that is stretching it. Those making $40,000, $50,000, $60,000, $70,000 to $80,000 a year are clearly in the middle class. That is the broad middle class of America. What are we doing for them? What are we doing for them?

So I will vote to go up to $250,000 but not a cent more than that. Quite frankly, I have a hard time even going to $250,000. It ought to be less than that. If you want to give more tax breaks to people, extend the earned-income tax credit and increase the childcare tax credit for working families.

If you want to do that, now you are talking about helping middle-class families. Some people say: Well, we have to do something for small businesses. I am all for that. But I wish to make sure it really goes to small businesses that employ Americans, keep the jobs here, manufacture things in America, and do not ship them overseas.

You do that, I am all for a small business tax break. You bet. So that is the debate we should have. But the unemployed and those who need unemployment benefits during this holiday season should not be held hostage.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, it is good to see the distinguished Presiding Officer. He must have been here all day. He was here yesterday, and I am glad to see him again.

Are there limits on my speaking time at the moment?

The PRESIDING OFFICER. We have a 10-minute grant at this time.

Mr. ALEXANDER. Will the Chair please let me know when I have consumed 9 minutes.

The PRESIDING OFFICER. The Chair will so notify.

THE NEW PROMISE OF AMERICAN LIFE

Mr. ALEXANDER. Mr. President, I just returned from the Hudson Institute, a distinguished think tank downtown where I made an address called the New Promise of American Life—Less From Washington and More of Ourselves. It included a panel of the following people: Kate O'Beirne of the National Review; Christopher DeMuth, who was formerly the head of the American Enterprise Institute; Chester Finn, who runs the Fordham Foundation; Bill Kristol, the founder of the Weekly Standard; and William Schambra, who is a fellow at the Hudson Institute. They commented on what I had to say. It was one of my most enjoyable experiences because it was a reprise of something we did in 1995.

In 1995, I was a fellow at the institute and I was also touring the country trying to persuade Americans that I was the next logical choice for President of the United States. That didn't work out exactly right. In fact, when I lost, my brother-in-law, who is a preacher, said I should think of that political loss as a reverse calling. I have always tried to think of it that way. Nevertheless, during that time, Chester Finn and I edited a book called ''The New Promise of American Life.'' We selected that title because Herbert Croly,

in 1909, had written a book called ''The Promise of American Life'' which really was the progressive manifesto that launched the thinking of President Wilson and more recently President Obama.

Our thought then, in 1995 and 1996—Mr. Kristol, Mr. Schambra, and Mr. Finn were all contributors to our volume—was that progressivism had gone too far and that we needed less of Washington and more of ourselves. That is what we said in 1995. Looking back over that volume, that was pretty good advice, but obviously nobody took it. So today the Hudson Institute sponsored another forum about the new promise of American life. I talked about it, and the people I just mentioned commented.

It was interesting for me in a variety of ways. I ask unanimous consent to have printed in the RECORD the address I made at the institute today as well as excerpts from ''The New Promise of American Life'' published in 1995, namely, the introduction, the preface, and the first chapter.

There being no objection, the material was ordered to be printed the in RECORD, as follows:

LESS FROM WASHINGTON AND MORE OF OURSELVES: THE NEW PROMISE OF AMERICAN LIFE

(By Senator Lamar Alexander, Hudson Institute, Dec. 3, 2010)

A wise political candidate, like a good composer, listens for words and music that resonate with audiences—and then repeats those phrases and melodies over and over again.

For the phrases that resonated during the 2010 election, we might listen to the senators who were successful.

In a year when television screens displayed anger, these politicians often talked about hope.

There were Rand Paul and Pat Toomey evangelizing about spreading free market prosperity instead of dwelling on government austerity.

Rob Portman and Kelly Ayotte and Roy Blunt and Ron Johnson using their experience to describe ways to make it easier and cheaper to create new private sector jobs, rather than just wringing their hands about ten percent unemployment.

And Marco Rubio affirming with his life's story America's exceptionalism, instead of lamenting America's decline.

To be sure, the issues that fired up voters this year were about too much spending, too many taxes, too much debt and too many Washington takeovers.

But the senators who voters elected to fix these problems are mostly American dreamers who believe that in this country anything still is possible for anyone who will work for it.

Europeans and others find this to be an irrational view held by citizens in no other country in the world. Yet most of American politics is about setting high goals and dealing with the disappointment of not meeting them and then trying again—all men are created equal, pay any price to defend freedom, no child left behind.

This is not an enforced Americanism where the government in Washington tells you what to believe. It is a spontaneous patriotism of the kind you get reading Lincoln's second inaugural address, or the oath of allegiance that George Washington's men swore to at Valley Forge, or David McCullough's 1776, or attending citizenship day at any federal courthouse when new citizens from all over the world become Americans.

The vitality of that dream is why Herbert Croly's book, ''The Promise of American Life,'' written in 1909, still is powerful today. The first chapter of Croly's progressive manifesto could be read with enthusiasm at any Tea Party. But it is the rest of the book that we propose to discuss and dispute in this forum, for in his remaining chapters Croly argues that for individuals to realize the promise of American Life the central government in Washington must play a much larger role. His book launched the progressive movement, featuring first President Wilson and most recently President Obama. His is a strategy of made-in-Washington policies, grand schemes to solve big national problems based upon the assumption that these are things that individual Americans can't do for ourselves.

In 1995, at the Hudson Institute's request, Checker Finn and I edited a book, which we called ''The New Promise of American Life.'' Checker and I then both were fellows at Hudson and I was touring the country hoping to persuade Americans that I was the logical choice for President of the United States. (The public didn't agree with my logic, prompting my preacher brother-in-law to suggest that I should think of that political loss as a ''reverse calling.'')

Our book was an attempt to provide intellectual context for the anti-Washington fervor of the moment, a fervor that surges throughout American history. We chose the title ''The New Promise of American Life'' because we believed that progressivism had been carried too far and that what our country now needed was a reverse mirror image of Croly's vision—''Less from Washington and more of ourselves.'' Our idea of America was one created by states, operating community by community, depending upon civic virtue, valuing individual liberty—a nation simply too large and too diverse to be managed successfully by an all-knowing central government in Washington, D.C.

Speaking of phrases that resonate, my best political one liner at the time was ''Cut Their Pay and Send Them Home'' (referring to Congress), which made few friends in the world's greatest deliberative body in which I now serve.

Reading what we published 15 years ago, I have been impressed with the prescience of the essays from contributors such as William Kristol, Paul Weyrich, Howard Baker, David Abshire, Francis Fukayama, William Schambra and Diane Ravitch. Their advice resonates as well today as it did then. Reading their advice also reminds me of how little of this advice anyone took. Republicans who were elected in 1994 on the cry of ''No more unfunded federal mandates'' soon were promulgating conservative big-government rules to replace liberal big-government rules. Since 1995, the size of the federal budget has grown 140 percent, the federal debt has grown from $5 to $14 trillion.

Within the last two years, the progressive solution symphony has been playing in Washington again, reaching a new crescendo with budgets that double the debt in five years and triple it in ten, with government bailouts, and, as one blogger has suggested, the appointment of more new Czars and Czarinas than the Romanovs ever had.

Seeing the inevitable anti-Washington surge rising again to counter the excesses of progressivism, I suggested to Checker about six weeks ago that we ask Hudson to revisit our 1995 book. This forum is the result of that suggestion. After this luncheon address we will hear from a panel that includes three contributors from the 1995 volume—Checker, Bill Kristol and William Schambra—as well as from Chris DeMuth and Kate O'Beirne. Our hope is the same today as it was fifteen years ago: to provide an intellectual context for the latest anti-Washington surge—with the additional hope that, this time, more elected officials listen to and act on our advice.

To begin the discussion, let me renew a suggestion that I have made before: the new Congress should proceed step-by-step in the right direction to solve problems in a way that re-earns the trust of the American people rather than invent comprehensive, conservative big-government schemes in an attempt to correct comprehensive, liberal big-government schemes.

To make this point, I thought of hanging up in the Republican cloakroom photographs of Nancy Pelosi and Henry Waxman because they symbolize what the federal government has done wrong during the last two years: not just to head in the wrong direction, but to try to go there all at once. This has been government by taking big bites of several big apples and trying to swallow them at the same time, which has had the effect of enraging Republicans and terrifying the independent voters of America.

During the recent health care debate, I heard a number of times from friends on the other side of the aisle this question: What are Republicans for? My answer was that Democrats would wait a long time if they were waiting for the Republican leader, Sen. McConnell, to roll into the Senate a wheelbarrow filled with a 2,700-page Republican comprehensive health care bill, or, for that matter, a Republican version of a 1,200-page climate change bill or an 800-page immigration bill.

Congressional action on comprehensive climate change, comprehensive immigration bills, and comprehensive health care have been well-intended but the first two fell of their own weight and the health care law has been subject to multiple efforts to repeal it since the day it passed the Senate a year ago on Christmas Eve in a driving snowstorm.

What has united almost all Republicans and a majority of Americans against these bills has not only been ideology but also that they were comprehensive. As George Will might write, ''The. Congress. Does. Not. Do. Comprehensive. Well.''

Two recent articles help to explain the trouble with the Democratic comprehensive approach. The first, which appeared in National Affairs, was written by one of our panelists today, William Schambra, who explained the ''sheer ambition'' of President Obama's legislative agenda as the approach of what Mr. Schambra called a ''policy president.'' Mr. Schambra wrote that the President and most of his advisers have been trained at elite universities to govern by launching ''a host of enormous initiatives all at once—formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms and functions.''

Or, in the terms of today's forum, this is the latest outburst of Crolyism or progressivism. Mr. Schambra notes that other most prominent organizational feature of this Obama administration is its reliance on Czars to manage broad areas of policy. In this view, systemic problems of health care, of energy, of education, and of the environment can't be solved in pieces.

Analyzing Mr. Schambra's article, David Broder of the Washington Post wrote this: ''Historically, that approach has not worked. The progressives failed to gain more than a brief ascendancy and the Carter and Clinton presidencies were marked by striking policy failures.'' The reason for these failures, as Broder paraphrased Schambra, is that ''this

highly rational comprehensive approach fits uncomfortably with the Constitution, which apportions power among so many different players.'' Broder then adds this: ''Democracy and representative government are a lot messier than the progressives and their heirs, including Obama, want to admit.''

In a memorial essay honoring Irving Kristol—Bill Kristol's father—in the Wall Street Journal last year, James Q. Wilson wrote that the law of unintended consequences is what causes the failure of such comprehensive legislative schemes. Explains Wilson: ''Launch a big project and you will almost surely discover that you have created many things that you did not intend to create.'' The latest example of the truth of Mr. Wilson's observation can be seen by anyone watching the new health care law increase premiums, add to the federal debt, cause millions of individual policy holders to lose their policies, cause businesses to postpone adding new jobs, and inflict huge unfunded Medicaid mandates on states—all consequences the sponsors of the law strenuously argued were never intended (although, I have to say, they were all predicted by Republicans).

Wilson also wrote that neoconservatism, as Irving Kristol originally conceived of it in the 1960s, was not an organized ideology or even necessarily conservative but ''a way of thinking about politics rather than a set of principles and rules. It would have been better if we had been called policy skeptics.''

This skepticism of Schambra, Wilson and Kristol toward grand legislative policy schemes helps to explain how during the 2010 election the law of unintended consequences made being a member of the so-called ''party of no'' a more electable choice than a member of the so-called party of ''yes, we can.''

James Q. Wilson also wrote in his essay that respect of the law of unintended consequences ''is not an argument for doing nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country,'' he suggests.

That is why if the Republican Party aspires to be a governing party rather than merely an ideological debating society, the question ''What are Republicans for?'' still is a question that must be answered.

If you will examine the Congressional Record you will find Republican senators tried to answer the question by following Mr. Wilson's advice, proposing a step-by-step approach to confronting our nation's health care and other challenges 173 different times on the floor of the Senate during 2009.

On health care for example, we first suggested setting a clear goal: that is reducing Americans' costs so that more of them could afford to buy insurance. Then we proposed the first six steps toward achieving that goal: 1. allowing small businesses to pool their resources to purchase health plans; 2. reducing junk lawsuits against doctors; 3. allowing the purchase of insurance across state lines; 4. expanding health savings accounts; 5. promoting wellness and prevention; and 6. taking steps to reduce waste, fraud and abuse.

We offered these six proposals in complete legislative text, totaling 182 pages for all six steps. The Democratic majority ridiculed the approach as ''piecemeal,'' in part because our approach was not comprehensive.

Take another example. In July of 2009, all 40 Republican senators announced agreement on four steps to produce low-cost, clean energy and create jobs: 1. create the environment for 100 new nuclear power plants; 2. electrify half our cars and trucks; 3. explore offshore for natural gas and oil; and 4. double energy research and development for new forms of clean energy.

This step-by-step Republican clean energy plan was an alternative to the Kerry-Boxer national energy tax that would have imposed an economy wide cap-and-trade scheme, driving jobs overseas looking for cheap energy and collecting hundreds of billions of dollars each year for a slush fund with which Congress could play.

Here is still another example, a bipartisan one. In 2005 a bipartisan group of us in Congress asked the National Academies to identify the first 10 steps Congress should take to preserve America's competitive advantage in the world so we could keep growing jobs. The Academies appointed a distinguished panel that recommended twenty such steps. Congress enacted two-thirds of them. The America COMPETES Act of 2007, as we call it, was important legislation, but it was fashioned step-by-step.

This style of governing squares with my experience as governor of Tennessee during the 1980s. My goal was to raise family incomes for what was then the third-poorest state. As I went along, I found that the best way to move toward this goal was step-by-step—some steps larger, step steps smaller—such as changing banking laws, defending the right-to-work, keeping debt and taxes low, recruiting Japanese industry and then recruiting the auto industry, but also building four lane highways so that suppliers could deliver parts to the auto plants just-in-time, and then a 10-step Better Schools program—step one of which made Tennessee the first state to pay teachers more for teaching well. I did not try to turn our whole state upside down at once, but working with leaders of both political parties, I did help it change and grow step by step. Within a few years, Tennessee was the fastest growing state in family incomes.

What do this approach and these examples have to suggest to Republicans as we look toward a new session of Congress? As a result of the 2010 elections, we have enough clout to stop risky, comprehensive schemes featuring more taxes, debt and Washington takeovers replete with hidden and unexpected surprises. And we have enough clout to suggest alternative approaches for the most urgent problems of the day. In fact we have an obligation to do so if we want to be able to persuade independent voters as well as Republicans that we ought to be the governing party in American after 2012.

It is no mystery what our country's focus should be: jobs, debt and terror. Jobs and debt dominated the 2010 election.

Applying the step-by-step, rather than comprehensive, approach our first goal therefore should be to make it easier and cheaper to create private sector jobs. A quick list of steps comes to mind: don't raise taxes on anybody in the middle of an economic downturn; repeal one-by-one the mandates on job creators in the health care law; reduce the corporate tax rate; reduce or eliminate the tax on capital gains; defend the secret ballot in union elections; defend states' ability to protect the right to work; create the environment for 100 new nuclear power plants; double research and development for clean energy; build a first class transportation system; repeal the so-called consumer protection agency in the financial regulation law; and enact Korea, Colombia, and Panama free trade laws.

I would add repeal the health care law entirely, although this might seem to be a comprehensive act violating the Wilson-Kristol-Schambra step-by-step doctrine. Such a comprehensive undoing carries the risk of scaring independents, but as a practical matter there is no good way to deal with that historic mistake other than by repealing and replacing it with a step-by-step approach reducing health care costs. In addition, most of its provisions do not take effect until 2014.

The same step-by-step approach can be applied to the second goal: making annual spending come as close to revenues as soon as possible. Trying to eliminate the annual deficit in the first year would turn the nation upside down. It is at points like this that the photographs of Pelosi and Waxman in the cloakroom become useful.

But for a nation that is borrowing 42 cents of every dollar to wait one day longer to begin to address its debt is suicidal. There are steps that can and should be taken immediately, while larger steps are being fashioned:

For example, step one could be no new entitlement automatic spending programs. In other words, don't dig the hole any deeper as would the President's budget proposal to shift a half trillion dollars in Pell grants over ten years to mandatory spending.

No more unfunded federal mandates on state and local governments. The Democratic governor of Tennessee, which has a $1.5 billion revenue shortfall this year, estimates that the new health care law will impose $1.1 billion in unfunded Medicaid mandates on our state between 2014 and 2019.

Caps on discretionary spending. While this is only one-third of the budget, even non-defense discretionary spending increased by an average of 6.2% each year under President Bush and by an average of 15% over the last two years under President Obama. These dollars add up.

Take the half trillion in Medicare savings that the new health care law spent on new entitlement programs and use it to make Medicare solvent.

Adopt a two-year budget—this would allow Congress to spend every other year on oversight, repealing and revising laws and regulations that are out of date or wasteful.

Give the rest of the government's General Motors stock to every American who paid federal income taxes last April.

I also support a 2-year earmark ban—Earmarks have become a symbol of wasteful Washington spending; there are too many of them and too many for less-than-worthy purposes. This process needs to be cleaned up, but this is more about good government than saving money since even unworthy projects are paid for by reducing spending in other places; and long-term it turns the checkbook over to the president at a time when most Americans voted for a check on the presidency.

Fifteen years ago Republicans captured control of Congress during one of those recurring outbursts when American voters announced that they wanted less of Washington, and more freedom for themselves. That advice was not well heeded, and now we find ourselves the political beneficiaries of another such outburst and an opportunity to lay the groundwork to be a governing party within two years.

My hope is that this time, Republicans heed the advice of Wilson, Schambra, and Kristol, that rather than attempt comprehensive conservative schemes, we keep our eye on the goals that matter most—making it easier and cheaper to create private sector jobs; reduce spending closer to revenues; and dealing in a tough, strategic way with terrorism. And that we proceed step-by-step toward those goals in a way that rearns the trust of the American people.

We should give Hebert Croly credit for reminding us in 1909 in the first chapter of his Promise of American Life that this is still the one country in the world where most people believe that anything is possible and that anyone can succeed if he or she works hard. This is a country where your grandfather can tell you, as mine did, ''Aim for

the top; there's more room there,'' and really believe it.

Hopefully, Republicans who were elected in 2010 will follow their instinct not just to oppose the excesses of Croly's progressivism but to offer a new promise of American life. That they will continue to remind Americans that this debate is not some dry, dusty analysis but a contest of competing governing philosophies about how to realize the dream of an upstart, still new nation in which most people still believe that anything is possible. Our argument is that our country's exceptionalism is best realized by the largest number of Americans when we expect less of Washington, and more of ourselves.

Mr. ALEXANDER. Mr. President, the premise of my remarks was that we don't do comprehensive very well in the U.S. Congress. That was challenged by some of the conservatives on the panel today. That was my point. My suggestion was that those who were elected in the 2010 election not make the same mistakes as those elected before made, which, in my opinion, was not just to head in the wrong direction but to try to do it all at once. It is one thing to think comprehensively; it is another thing to act comprehensively. There have been multiple attempts to repeal the health care law from the day it passed. Our efforts at comprehensive immigration and comprehensive climate change fell of their own weight.

I am tempted, as I am sure most people are, to make comprehensive changes. We talked about some examples with the panel. Take education. I suppose I have had about every position on education reform possible. I have been for abolishing the Department of Education. I have been the U.S. Department of Education Secretary. I have been both.

I remember as a Governor in 1981, I went to see President Reagan and asked him to swap all of elementary and secondary education for Medicaid. In other words, the Federal Government would take all of Medicaid and the States would have all of elementary and secondary education.

The Presiding Officer is from the State of Minnesota, where there is a high value placed on education. My own view is that the high value placed on education by the communities of Minnesota does much more to assure quality education than anything we could do here. I thought if we got rid of the idea that Washington could make our schools better, those in the communities of Tennessee would feel more responsibility.

President Reagan liked that, but it didn't get anywhere. Most big comprehensive schemes don't. Our country is too big and complicated and too diverse. Our constitutional system separates power into too many places. And on top of that, we just are not smart enough to figure out a solution for all the many different things that are happening in this country.

My advice in this address is that those who were elected in 2010 head in a different direction. We talked a lot about less government, less taxes. We talked about fewer Washington takeovers. We don't like all the czars and czarinas. There are more of them than the Romanovs ever imagined. But as we head in a different direction, I suggest that we go step by step to attempt to re-earn the trust of the American people.

There used to be signs that said: Think globally, act locally. I think we might think comprehensively but act step by step. Because if we don't, there are two dangers. One is that we won't succeed. It will be a lot easier, for example, to fix No Child Left Behind, the education law, than it will be to comprehensively reauthorize it. It is a 1,000-page law filled with provisions backed by those with vested interests—Members of Congress, teachers unions, principals, people all over the country. Comprehensively reauthorizing it will be hard to do. But if we want to fix it, we can probably pick four or five or six things we need to fix and maybe, in a bipartisan way, go step by step to do that.

If we want clean energy, comprehensive, economy-wide cap and trade proved too much to swallow here. But we could create an environment for 100 new nuclear plants. We should be able to encourage electric cars. We should be able to double energy research and development. Those are steps in the right direction.

We took steps in the right direction with the America Competes Act. We did that in a bipartisan way.

Our overwhelming priorities today are jobs, debt, and terror. We are not likely to solve any of those problems all at once. We might think comprehensively about how to do it, but we need to act step by step.

For example, our goal would be to make it easier and cheaper to create private sector jobs. That should be the first goal. Especially on this side of the aisle, we believe that raising taxes on anybody—anybody—in the middle of an economic downturn makes no sense, because it makes it harder to create private sector jobs. But that is only one step.

If I were to make my list, I would add to that list: reducing the corporate income tax so our corporations can be competitive in the world, and I would say defend the right to work and the secret ballot in union elections. I would also say build a first-class transportation system. I would also say increase funding for research and development at major universities because it is that brainpower that creates jobs for us. So there are many different steps we would take to create a progrowth economy. Take the issue of debt. We have a debt commission report today which has attracted all of our attention. We have a horrendous problem with Federal debt. Mr. President, 42 cents out of every dollar we are spending is borrowed. If we try to fix it all at once, the country would collapse. But if we wait another day to begin to fix it, we should be ashamed. We can take steps. We can say caps on discretionary spending. That is a third of the budget. We can say no new entitlement automatic spending programs. Let's not dig the hole any deeper. We could say, let's have a 2-year budget so every other year we can devote the year to reviewing the regulations we have and laws we have and the rules we have, so we can get rid of some of them. We may need some new laws, but let's get rid of some of the old ones.

I stood right here on the floor of the Senate a couple years ago and voted against the Higher Education Act. Now, here I am a former university president and Education Secretary and so-called education Governor, and education is my passion—I say to the Presiding Officer, if another Senator comes to the floor, I will be glad to yield the floor—but I voted against the Higher Education Act. Why did I do that? During the debate, I got permission to bring to the floor all of the regulations that now exist under the current Higher Education Act.

You have to ask for unanimous consent to bring demonstrative evidence on the floor. I had to do that once with Minnie Pearl's hat. I had it here in the drawer, but I could not bring it out unless I asked unanimous consent, which I got. And I got it to bring all these regulations.

And what I said was that I am voting against this act because reauthorization of the act would double the stack of regulations.

So all of these things have to do with debt, limited government, and spreading prosperity and spreading freedom. So my argument is basically that those of us who are in the Republican Party, those of us who this year won more of the elections—we know what it is like to be on the other side. Two years ago, we hardly won anything. Two years before that, we got elected one Republican Senator. But those of us who are on the winning side this time I think would do well to head in a different direction. Yes, make it easier and cheaper to create private sector jobs, get to work on the debt, be strategic and tough about terror, be resolute about the direction we are going, but do it step by step. We are more likely to be able to persuade people to do it. When we are through, we may be more likely to persuade them to live under those rules and regulations.

When you do it comprehensively, when you bite off more than you can chew, when you offer a 2,000-page solution to anything—whether it is a comprehensive liberal solution or progressive solution or whether it is a comprehensive conservative solution—you are likely to frighten—well, you are likely to make angry the people on the other side and scare the independent voters half to death. As a result, you will not succeed.

We as Republicans have a chance in the next 2 years to prove to the Nation we deserve to be the governing party.

We are not today. There is a Democratic President and there is a Democratic Senate and there is a Republican House. So if we want to make progress, we have to work together when we can form a consensus.

But if we want the privilege of being more than an ideological debating society and being actually a governing party, we have to re-earn the trust of the American people. We have to say: What are Republicans for? I am suggesting that when we say what we are for, we pick our goals—make it easier and cheaper to create private sector jobs, reduce spending closer to revenues, be tough and strategic on terror—and then we go step by step in that direction, and we take people with us and we gain their support.

I have mentioned on this floor before the example of the civil rights laws. Slavery was the greatest injustice in our country's history. It plagued us from the day of our country's founding. Our Founders punted on the subject, and then we tore ourselves apart in a war, and then we waited a century to do much about it. By any intellectual standard, by any moral standard, we should have fixed that all at once. But Lyndon Johnson, who was the majority leader at the time, knew better than to try to do that. In fact, he knew he could not do that. So starting in 1958 and then in 1964 and then in 1968 and then in 1975 were the major civil rights laws in the country. We went step by step to realize the promise of American life: that all men and women are created equal.

Now, it is easy to sit somewhere and say: Well, that went too slow, and a comprehensive approach toward civil rights would have been the right thing to do. It would have been the right thing to do, but it never would have happened.

There is one other problem with it: it would not have been accepted by the country. The civil rights laws of 1964 and 1968, during a time of Democratic majorities and a Democratic President, were written—where?—in the office of the Republican leader of the U.S. Senate, Everett Dirksen.

Now, why did President Johnson do that? Well, you can say he did not need the votes. He had huge majorities in the House and in the Senate. Well, it was a little more complicated than that because he had southern Democrats, and they were against it. So first he needed the votes to pass the bill. But the thing President Johnson understood so well was that he not only needed to pass the bill, he needed the country to accept it. And as controversial as the Civil Rights Act of 1968 was—the one written down the hall in the Republican leader's office by a Democratic President and a Democratic Congress—as controversial as it was, when it was over, Senator Russell of Georgia, for whom a building here is named, went to Georgia and said: I fought this for 30 years, but it is the law of the land, and we obey it. Lyndon Johnson knew that going step by step in the right direction was the right way to get where our country had to go.

So we have some big challenges ahead of us, and some of them we will be able to do in a bipartisan way. I hope we can do that with No Child Left Behind. Let's fix it with four or five or six steps. Arne Duncan has some good ideas. They are very consistent with the ideas of a number of Democrats and a number of Republicans. That would be a start. The America Competes Act we should authorize at some point. That would be another step we could take. I think we have some steps on clean energy.

There are some areas where we will disagree. We are going to have some Republican ideas about making it easier and cheaper to create private sector jobs that our friends on the other side will honestly disagree with. We are having one of those disagreements this weekend because we believe it makes no sense to raise taxes on anybody in the middle of an economic downturn if your goal is to make it easier and cheaper to create private sector jobs, and they have a little different view. So we will have votes on that.

So we will have our differences of opinion. But if we want to be successful, we as a country—and if we as a party, the Republican Party, want to be successful in earning the trust of the American people to prove we are eligible, qualified, worthy of being a governing party after 2012, then we better set our clear goal: make it easier and cheaper to create private sector jobs and go step by step toward that goal, explaining carefully what we are doing, attracting independent voters, keeping independent voters, so that when we pass a law, the country accepts it, and then we move on ahead.

So that is what our discussion was about today, and it is an important discussion. It is not just some dusty, dry thing. Herbert Croly's book in 1909, ''The Promise of American Life,'' is the manifesto for the progressive movement that has ascended in this country right now. And our idea of less from Washington and more of ourselves is an intellectual context for the antidote to that. It is for the resurgent movement in America that began with President Jefferson's yeoman farmer, with his distrust in the Federal Government and his skepticism of great big policy schemes imposed from Washington. That is the grand debate of the last century, and it is the one we are in the midst of today.

So I thank the Senate for giving me an opportunity to present my thoughts. I thank my colleagues who attended the Hudson Institute discussion today. And I especially urge my Republican colleagues to remember that if we want to re-earn the trust of the American people, we need to set the right goals and move in that direction, step by step. We will have to be a little patient to get there, but that is a good way to get where we want to go.

I see the distinguished Senator from the University of Arkansas on the floor.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARLINGTON NATIONAL CEMETERY

Mrs. MCCASKILL. Mr. President, back in July of this year, the subcommittee I chair on contracting oversight held a hearing about heartbreaking incompetence at Arlington National Cemetery.

Because of a series of management errors, bungling, neglect, the contracts that were supposed to be executed to make sure we were keeping track of America's heroes in our most sacred place in this country—we discovered that, in fact, the officials at Arlington National Cemetery were not sure who was buried where.

The reaction I have had to that hearing has been so reassuring because as I travel around Missouri, person after person comes up to me, so many veterans, saying: Thank you for getting on top of this disaster at Arlington National Cemetery.

Since that hearing, when it was very clear there was no direct line of authority in terms of managing Arlington National Cemetery—that they had no problem issuing multiple contracts for millions of dollars and getting absolutely nothing for it, an acknowledgment that they did not have a system that was adequately keeping track of the location of burial for potentially thousands of America's finest—we have continued to stay on top of this and have realized that more and more problems continue to arise.

This morning, it was reported nationally that they now found a grave site that has eight different urns buried—eight different urns—cremated remains buried in one location with a tombstone that said ''Unknown.'' And, of course, they have been able to identify some of those remains—gratefully, they have—and they are contacting those families.

But as a result of the hearing, I filed legislation, along with Senator BROWN, who is with me on that committee as the ranking member of that committee. Together, we filed a bill, with a number of cosponsors, setting up some basic oversight of Arlington going forward—basic but very important—making sure we have review of contract management, making sure we have compliance with an Army directive, making sure we have a report on the grave site discrepancies that have arisen, so we can be assured that every family in America who looks upon Arlington as the last resting place for

their family member can be assured that when they go to visit their loved one, they are indeed visiting their loved one. So we filed this bill, S. 3860. After we found out about these additional problems that have arisen, I now feel a sense of urgency about this.

I know my colleagues on the other side have said we are not doing any other legislation except making sure we get a tax cut for millionaires. I am hoping they will make an exception to the rule because if we do not provide adequate oversight right now, when will we? Is there a subject more important than our oversight and making sure those we should honor the most are, in fact, being treated with the kind of dignity and respect they deserve rather than just being thrown in a gravesite that says ''Unknown''?

So I am going to make a motion tomorrow—we will be in session tomorrow—for unanimous consent to pass this legislation. I know I am being impatient. We are supposed to let these things sit on the calendar for months and months, and we are to hope that nobody puts a secret hold on it, and we are to get frustrated not knowing who has a hold on it or why. We have 38 members of the judiciary who have been sitting on the calendar who came out of committee unanimously. But, no, we can't take those up. We can't do anything until we do unpaid tax cuts for millionaires.

I am hoping my Republican colleagues will give the millionaires a rest tomorrow. I am hoping they will get off the case of helping the millionaires and the billionaires so we can unanimously pass this bill. That is the best we can do right now to make sure our loved ones—because they are all of our loved ones. We love the men and women who are buried at Arlington National Cemetery, from John F. Kennedy to the soldiers none of us has ever met. We love these Americans, and we need to do everything we can to make sure there is proper oversight of what is going on at Arlington National Cemetery.

So, tomorrow, I am hoping we get an exception to the edict that we got from our friends on the Republican side of the aisle. I am hoping they will allow this bill to go through by unanimous consent because, I will tell my colleagues, I am not comfortable going home for my Christmas holidays with my family until I am sure we have done everything we can for the families who lost loved ones who reached a final resting place on this Earth at Arlington National Cemetery.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING RON SANTO

Mr. DURBIN. Mr. President, last night, Chicago and America lost a hero. Ron Santo was a Chicago Cubs legend and an inspiration to anyone who has ever faced a tough, uphill battle in life.

During his 15-year career with the Cubs, Ron Santo batted .277 with 342 home runs and 1,331 RBIs. He was a nine-time All Star and a five-time National League Gold Glove winner. In each of four seasons, he batted .300, drove in 100 runs, and led the league in walks.

What the public didn't know for most of his career is that he lived every day with a life-threatening illness.

Ron Santo hid his diagnosis from the public for 10 years. He said he didn't want anybody to feel sorry for him. He didn't want to be held to a different standard. He wanted to be judged the same way every other ballplayer is judged—by the numbers. By that standard, Ron Santo earned his spot among the greats.

We can't know how much better he might have been if he hadn't suffered from diabetes, in an era that suppressed the long ball or maybe for a team that, God bless them, never once saw postseason action, but it doesn't matter. Simply put, Ron was the best third baseman in Cubs history and maybe in the game.

The last decade in Ron's life brought challenges that would have sidelined many others. In 2001, Ron lost the lower portions of both legs to diabetes. He earlier survived a bout of cancer and endured more than two dozen surgeries. In his later years he walked on prosthetic legs that slowed his gait but not his dedication to the Cubs or his work for the Juvenile Diabetes Research Foundation where he served on the board of directors.

On October 3, as he had for the last 32 years, he hosted the annual Ron Santo Walk to Cure Diabetes in Chicago to raise awareness and funding for research into a cure.

Baseball may one day see a third baseman with the playing skills of Ron Santo, but it is hard to imagine that we will ever again see a ballplayer with greater love or loyalty for a city, its team, and its fans.

His broadcast partner, Pat Hughes, was quoted this morning saying: ''Ron Santo absolutely loved the Cubs. The Cubs have lost their biggest fan.''

But Ron Santo's love affair with the Cubs started at an early age. Born in Seattle, he watched the Game of the Week on TV and remembers a game from Wrigley Field with Ernie Banks. He said there was something about that ballpark and the Cubs fans.

When it came time to sign up, this great prospective ballplayer was offered a lot of money by a lot of clubs, but he wanted to be a Chicago Cub. He could have made a lot more money at the end of his career as well by leaving Chicago. Instead, in 1974, Ron Santo became the first player to invoke his privilege under the league's ''5-and-10 rule,'' declining a trade to the California Angels because he wanted to finish his career in Chicago. That kind of dedication to a team and its fans is something you hardly ever see anymore. It is something I remember fondly from my youth, and I will bet the Presiding Officer does too.

Since 1990, Ron Santo lived out his love for the Cubs as commentator in the booth, providing color commentary on WGN Radio Cubs broadcasts. Sports Illustrated writer Rick Reilly described Ron's commentary this way. He said Ron Santo ''loves them Cubs like the Pooh Bear loves honey. He does not call a game, he lives it. He cheers so much that it sounds like his play-by-play partner Pat Hughes is broadcasting from Murphy's Bar.''

In the words of broadcaster Pat Hughes, he ''never had a better partner.''

Ron Santo's boisterous 7th inning stretch renditions of ''Take Me Out to the Ball Game'' at Wrigley Field, a tradition that he carried on after the passing of Cubs legend Harry Caray, could make anyone smile—maybe even a White Sox fan.

One other thing that I always thought was interesting. They used to joke about it. I was fortunate to be invited to go up to the broadcast booth at Wrigley Field. What a treat for a baseball fan to be up there with Ron Santo and Pat Hughes and to do an inning. I mean, if there is any psychic reward with this great job, it is that. I would study up on all the stats and all the ballplayers' names and what happened in the preceding week and think about who is coming and I would be all loaded up, and here is Ron Santo.

At this point it is instinctive. He is announcing a game and talking to people and getting ready for the next commercial and all of these things are going on, and they were kidding him constantly. There was one ongoing joke that I never knew the origin of, and it wasn't until they started writing these articles about his life that it finally came out. It seems that there was an incident that occurred on opening day in the year 2003. Ron Santo, for all his great qualities, didn't believe that an expensive toupee was necessarily worth the money. So he wore a toupee that clearly was a bargain. His toupee caught fire in the Shea Stadium press box in New York on opening day 2003 after he got too close to an overhead space heater. They kidded him about that for the next 6 years. What a good-natured man he was, to take that kidding and to just go on and say: Let's get back to the game—typical of a great fellow with a great sense of humor who doesn't take himself too seriously.

Ron Santo was considered for entry into Major League Baseball's Hall of Fame an astonishing 19 times. The last time was 2008. Sadly—wrongly, in my view—he never made it to Cooperstown. But he took that disappointment

the same way he took so many other bad breaks in life, with dignity and grace.

In September 2003, the Cubs retired Ron Santo's number, 10. It now hangs at Wrigley Field along with the numbers of former teammates Billy Williams and Ernie Banks. Ron Santo famously said that day: ''This is my Hall of Fame—Wrigley Field.''

But ''This Old Cub'' deserved more. Like his fellow Cubs whose retired numbers also hang proudly on Wrigley Field foul poles, Ron Santo should have been in the National Baseball Hall of Fame. That he never made it is the only regret he could have had about his career.

Ron Santo was a ballplayer who lived large, played through unimaginable pain, broadcast the game with all his heart, and left an indelible mark on Cubs fans everywhere. Whether he was staring down an opposing pitcher or staring down diabetes, he gave it his all every day. The Cubs, Chicago, and America will miss Ron Santo.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

TAX RELIEF

Mr. MENENDEZ. Mr. President, I rise this afternoon to speak about the debate we are having on the fundamental question of what type of tax relief will be considered by the Senate.

Not too often does a debate offer such clear differences in priorities between the two parties. We have before us a sensible package, put together by Chairman BAUCUS, which would ensure that any family in America who makes up to one-quarter of a million dollars in a year would get a permanent tax cut instead of one that expires a few years down the road, as the Bush tax cuts will do.

If Republicans would work with us, we could give businesses certainty, middle-class families tax relief, and create jobs at this very moment. Solving these issues has, at least from my perspective, broad bipartisan support. Everybody says they want to give business certainty, they want to give middle-class families tax relief, and they want to create jobs. So if we have that agreement, both sides should be able to come to support this proposition.

Both sides have agreed we should move forward extending tax cuts for middle-class families, do more to create jobs, and ensure that the alternative minimum tax doesn't ensnare more than 30 million Americans this year. Unfortunately, the question isn't, Who is going to cut your taxes? That is not the question. The question is, Whose taxes are going to be cut?

We could pass this bill today, give middle-class taxpayers certainty, take care of the AMT, the alternative minimum tax problem, which protects, right now, in terms of how we have responded to it to create relief from that—and we want to extend that relief not only to 30 million people in the country but 1.6 million New Jerseyans whom we have saved from being bit by that AMT. Failure to act would mean they would pay an additional tax bill of up to $5,600.

These are middle-class families who were never intended to pay a tax that was meant originally for those in our country who paid nothing toward the common good. Hence, the Congress created an alternative minimum tax, so those using the deductions in the code who paid nothing to the common good, to the Nation's defense, and its well-being had to pay something. But since that was 20, 25, 30 years ago, it was never indexed. We have now seen that has been biting middle-class families. In the case of middle-class families in New Jersey subject to the AMT, they would be bit by another $5,600.

We also need to extend the desperately needed unemployment benefits to the 2 million Americans who lost their jobs through no fault of their own. That is all in this package. We could pass a number of job creation measures, such as an extension of Build America Bonds which, true to its name, puts people to work rebuilding communities across America. My proposal is to give them the tools they need to put people to work on projects that deliver safer and cleaner water to families through private activity bonds—something that gets the private sector putting up money in a way that creates jobs. Unbelievably, my Republican colleagues have pledged to stop this bill, to do that by what we call a filibuster, to insist that instead of a simple majority of the 100 Senators, there have to be 60. All these benefits, permanent tax benefits for middle-class families making one-quarter of a million dollars or less, the opportunity to create jobs, the opportunity to take care of a couple million Americans who lost their jobs, the opportunity to bring the private sector back again, the opportunity to give the private sector certainty, none of that is good enough for them. They will not simply vote against it; they are seeking to block this bill, by using the filibuster, from even being considered by the Senate.

The difference in the priorities between our two parties is rather clear. Republicans would rather that taxes increase for all Americans than allow tax rates for millionaires and billionaires to revert to Clinton-era prosperity levels. So all of us have to face an increase in taxes in order to give an extra tax benefit to the wealthiest in our country.

It happens to be a fact that the wealthiest in the country still see a tax cut under this bill, and it will be bigger than a middle-class family's tax cut. We are simply asking not to extend additional tax cuts on top of the tax cuts they will already receive. So everybody in America gets a tax cut under our proposal. As a matter of fact, that tax cut, instead of expiring a few years down the road, stays permanent. But, no, they want to give an additional tax cut to those who are millionaires, multimillionaires, and billionaires. Simply put, Republicans believe it is more important to deliver massive tax breaks to CEOs than to the people who work for them. They argue that millionaires paying tax rates at the levels they paid in 2000 would decimate the economy. The problem is, that position is simply not supported by the facts or the experience of the last decade.

People who have worked hard and built personal wealth should be applauded for their success. I applaud people who, through their hard work, creativity, and ingenuity, have created wealth. They should be applauded and admired. I admire them. People who work hard and prosper, they love their country too. They are in the best position to be helpful to their country in this tough economic time. Many of them are willing to contribute if we ask. We know from experience that reverting to the tax rates that the wealthiest and most successful paid during the Clinton-era prosperity will certainly not break our economy. As a matter of fact, it was that era that balanced the budget for the first time in a generation, created record surpluses, low unemployment, low interest rates, and had the greatest peacetime economy in over a generation. It certainly didn't break our economy.

So I just don't understand why my colleagues on the Republican side of the aisle continue to oppose what is good for America, for our children, and for our future. We are on the eve of the holidays. Middle-class families are sitting around the kitchen table at night wondering how they are going to afford to buy the gifts for their children this year. Middle-class families are wondering how they are going to make the next mortgage payment, how they are going to pay tuition for their college-age children next semester. These are tough conversations around that kitchen table.

I can assure you those Republicans who are fighting for millionaires and billionaires are not worried this holiday season. Yet we are being asked to give them an additional tax windfall while middle-class families are struggling. Our Republican colleagues are playing Santa for the millionaires and Scrooge for the middle class.

Those who make over $1 million, they want to give them a big fat check, averaging $104,000, with a bow on it. For our children, they want to give them a big fat $4 trillion bill to be paid back with interest for generations to come. I guess that is their version of happy holidays, America.

Does it make sense to anyone but our Republican colleagues who, once again, are telling us that rewarding the wealthiest helps us all, that that wealth somehow trickles down and creates jobs? I say: Show me the jobs. We cut taxes for that universe of taxpayers, the highest income taxpayers in the Nation, and they said it would create jobs. Well, show me. Where are they? In the year the Bush tax cuts were passed, unemployment was under 5 percent. After nearly a decade under Bush's tax policy, unemployment has doubled. It now stands at nearly 10 percent. Now they are saying we need to reward the rich again and it will create jobs. Well, in my view, the Bush Republican tax cuts for millionaires and billionaires has been the biggest failed jobs program in our Nation's history. But what it did do is add enormously to the debt.

I have listened to those who have come here talking about the consequences of debt. Yet they are rushing to add to that debt in dramatic ways, all for the wealthiest people in our country. So my question to my Republican colleagues who believe that only debt-financed tax cuts for millionaires can fix the economy is this: Where is the prosperity that President Bush promised to the middle class when these cuts were passed a decade ago?

In fact, let's look at that decade. The Bush decade will go down in history as one of the worst decades the middle class has ever faced. While the wealthiest saw their incomes swell and their taxes plummet, middle-class salaries remained stagnated. Families' costs, such as health care and college tuitions, skyrocketed, and jobs disappeared overseas. The stock market sputters along at the same levels it achieved under the Clinton-era tax rates. Middle-class wages have continued to lose ground to inflation and health care costs, and millions more now live in poverty than before these tax cuts were passed.

When the unregulated greed on Wall Street led to millions of Americans losing their jobs, Republicans said: You are on your own—literally. Literally, on this very floor—while leading a filibuster against an extension of unemployment benefits, and asked, How is it you can do that to these people who, through no fault of their own, face the unemployment line—one Republican retorted: Tough—and the rest of it you can fill in the blank—to pleas from families desperate for help.

If Republicans were truly in this debate to create jobs and protect the middle class, then why did the Republican leader introduce a bill that is actually a tax increase on millions—a tax increase on millions—of middle-class American families? Yes, a tax increase. That is right. The Republican bill offered by their leader spends $1 trillion more. Yet the vast majority of Americans would see their taxes increase if it were to become law. Why? Because President Obama's tax cut for 95 percent of Americans—for so many middle-class families—was not a large enough priority to make it into their package. Gutting the estate tax was but additional middle-class tax relief was not.

The nonpartisan Congressional Budget Office—the one entity both Democrats and Republicans depend upon for the scoring of our efforts, for thinking about what are the best job-producing initiatives and whatnot—has found the most effective way—this is them, through their studies—to create jobs. They say the ''biggest bang for the buck'' is extending jobless benefits, and ranking right behind in terms of effectiveness are payroll tax cuts and small business tax incentives.

The chairman's bill contains all of that—all that the Congressional Budget Office has said are the biggest creators of jobs.

The Republican leader's bill contains none—zero—of those initiatives. The Congressional Budget Office has determined the Republican package does not contain even one of the most effective ideas for job creation. So if Republicans are in this debate to create jobs, why don't they include the proposals that economists are telling us are the most effective in creating jobs?

We know Republicans have said no to everything. We know the Republican leadership's top priority is not middle-class families but defeating President Obama. But we cannot tolerate the harm their political strategy will do to middle-class families. They are even willing, for the sake of their political strategy—which is to have this President fail, which means not whether the President fails but whether the country fails—to hold hostage permanent middle-class tax relief, for multimillionaires and billionaires.

I urge my colleagues to remember those who are struggling this holiday season to keep their homes, to find a job, and to provide for their families. I urge my Republican colleagues during this kind, forgiving time of year to open their hearts and change their political playbook. Their political playbook maybe has brought them some success, but it puts middle-class families at enormous risk. There is no reason the Senate cannot have a bipartisan vote or a simple majority vote on making reality permanent tax cuts of $250,000 or less for our families and to give businesses the certainty they need by creating an extension for those who are unemployed, which will create opportunities for the private sector and Build America Bonds to get us working again. That is all in this package. It will give relief from the alternative minimum tax.

That is the vote we are going to have—all of that. Saying no to that in order to help the wealthiest people in the country—those we applaud for their hard work and ingenuity, but those who are willing, I believe, to help their country and have the best wherewithal to do so—is just simply a political game book that should be ultimately abandoned. If not, in this vote, Republicans will have abandoned the middle class of this country at a time in which they need our support the greatest.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

REMEMBERING VELMA BISHOP

Mr. REID. Mr. President, I rise today to recognize and offer my condolences for the passing of a great Nevadan, Velma Bishop. A naturalized U.S. citizen from Canada, Velma labored diligently in many charitable and civic opportunities and programs. She was a wonderful mother and a wife of 45 year to her beloved late husband, Gail Alexander Bishop. Not only will her local, religious, and political communities miss her impact, but so will the great multitudes of people she has been able to touch through a life devoted to service. It is my great honor to recognize her life's work before the U.S. Senate today.

The State of Nevada will miss Velma's can-do spirit. She sacrificed much of her personal time volunteering with special-needs children and orphans. Many people with no biological relation nonetheless knew her as ''mom.'' Her arms were open for anyone; her kind spirit will always be remembered. She was also a very involved member of her local congregation in the Church of Jesus Christ of Latter-day Saints.

Velma worked diligently to raise money for nonprofit concerns and even found time to manage various campaigns for the Democratic Party of Nevada. She never shied away from voicing northern Nevada's needs. Until recently, she continued playing an active role in the Gail Bishop Chapter of the Nevada Alliance for Retired Americans, aptly named after her late husband. Her involvement in the public service back home found her befriending many of the underrepresented or overworked. She battled courageously on their behalf. Among her many mourners is the former Rep. Jim Bilbray, D-Nevada.

I join with my friends back home in Nevada to honor the wonderful life of Velma Bishop. For 81 years she has immersed herself in enhancing the lives of others. I am grateful to recognize her achievements, and with a heavy heart, know that many people join Susan, Steve, and Kate in missing their ''mom.''

HONORING OUR ARMED FORCES

SERGEANT JASON T. SMITH

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SGT Jason T. Smith. Sergeant Smith, assigned to the 1st Explosive Ordnance Company, based in Iwakuni, Japan, died on November 19, 2010, from wounds he received while serving in support of Operation Enduring Freedom in Helmand Province, Afghanistan. He was 28 years old.

A native of Colorado Springs, CO, Sergeant Smith graduated from Doherty High School in 2000. Upon graduation, Sergeant Smith enlisted in the Marines and was quickly recognized as a skilled and composed soldier. He served three tours of duty: two in Iraq and one in Afghanistan all with decoration.

During his 10 years of service, Sergeant Smith distinguished himself through his courage, dedication to duty, and willingness to take on one of the most dangerous and skillful jobs in the Marines—defusing bombs. Fellow soldiers respected his intensity, and they relied heavily on his leadership. Sergeant Smith was also a gifted teacher, and Marines under his command cite his marksmanship instruction as a high-point in their career.

Sergeant Smith worked on the front lines of battle, serving in the most dangerous areas of Iraq and Afghanistan. He is remembered by those who knew him as a consummate professional with an unending commitment to excellence. His family remembers him as a dedicated son, brother, and as a loving husband to his wife. In his free time, Sergeant Smith enjoyed fishing and playing basketball.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Sergeant Smith's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived with a sense of the highest honorable purpose.

He braved the chaos of combat zones throughout Iraq and Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Sergeant Smith will forever be remembered as one of our country's bravest.

To Sergeant Smith's entire family—I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Jason's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

LIVABLE COMMUNITIES ACT

Mr. BENNETT. Mr. President, I rise today to salute a number of organizations from my home State of Utah that have demonstrated vision as they plan for the needs of our future. Utah is one of the fastest growing States in the country. Our rapid population growth is attributed to both the area's high birth rate and to in-migration. We have a strong economy and have continued to attract workers during the recent economic recession. Yet even as we grow, our transportation system has not buckled under the pressure of explosive development. Regional and community planners, as well as business and political leaders have been looking forward to plan and meet the transportation infrastructure needs of our growing population. Our transit system of buses, vans, light rail and commuter rail is unparalleled and I am proud of the role I played in bringing TRAX and FrontRunner, our light rail and commuter rail services to the Wasatch Front. Last Thursday, November 25, 2010, marked 10 years that TRAX has been serving our communities. This expanding network has brought new possibilities to our residents and creates an economic rebirth in each community it touches.

There are a number of lessons that other areas can learn from the success of Utah's transit expansion. Planning for the needs of a changing population should be the standard, rather than the exception in every community. Recently, Utah was again recognized for its innovative planning. Last month the U.S. Department of Housing and Urban Development, HUD, announced a $5 million award to support the creation of more livable and sustainable communities along the Wasatch Front. This funding will support development of a regional housing plan through a new initiative intended to build economic competitiveness by connecting housing with good jobs, quality schools and transportation. This grant is part of a new Federal Partnership for Sustainable Communities, which brings EPA, HUD, USDA and DOT together to ensure that the agencies' policies, programs, and funding consider affordable housing, transportation, and environmental protection together. I support the efforts of this interagency collaboration designed to get better results for American communities and to use taxpayer money more efficiently. I salute the Utah organizations whose vision brought this important grant to our State. The Utah consortium behind the grant is made up of the following partners—the Wasatch Front Regional Council, Mountainland Association of Governments, Envision Utah, the Utah Department of Transportation, UDOT, Utah Transit Authority, UTA, Salt Lake County, Salt Lake City, University of Utah's Metropolitan Research Center and Bureau of Economic and Business Research, the Utah Chapter of the American Planning Association and other public and private sector partners. These visionaries joined together to apply for this grant through a nationwide competitive process to implement the growth strategies and vision in the region.

Over the past decade, public, private, academic and community leaders in Utah developed quality growth strategies for the Salt Lake metropolitan region. In 2010, they developed and adopted a regional vision, the Wasatch Choice for 2040, which is a blueprint for our region's future. The sustainable communities grant Utah received will help make that blueprint a reality.

My friend and colleague, Senator DODD of Connecticut has introduced legislation that would create more of these grants, and go a step further by creating an Office of Sustainable Housing and Communities. This office would oversee efforts to help local communities plan for and create better and more affordable places to live, work, and raise families. The legislation would incentivize communities to make regional plans like Utah's Wasatch Choice for 2040 and would fund sustainable development projects. I believe that with effective policies to encourage sustainable development, our communities will cut traffic congestion; reduce greenhouse gas emissions and gasoline consumption; protect rural areas and green spaces; revitalize existing Main Streets and urban centers; and create more affordable housing.

While I strongly support many of the ideas in this legislation, I have not added myself as a cosponsor, because of some concerns that have been raised. First and foremost, during this time of out of control spending, I feel it would be irresponsible of me to support the legislation without a plan to pay for the new spending it would create. It is my hope that some sort of a livable communities component will be included in a much needed transportation authorization bill that Congress should consider next year. This discussion of the future of the highway trust fund should also address the important of local planning efforts. I would also like to see a greater voice for small businesses and affected industries that would no doubt be greatly affected by the policies set in an effort to encourage sustainability. There are many important interests that need to be considered and included in the discussion.

The partnership between the Utah Transit Authority and our local, regional and State transportation planning organizations is a great example for many States. I feel confident that Utah will use the livable communities grant we are going to receive to continue to lead the nation in transportation and infrastructure planning. I urge my colleagues to give full consideration and take the time to learn and debate the ideas proposed in my friend Senator DODD's legislation, S. 1619, the Livable Communities Act.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:22 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 325. Concurrent resolution supporting the goals and ideals of National Homeless Persons' Memorial Day.

The message also announced that the House has passed the following bill, without amendment:

S. 2847. An act to regulate the volume of audio on commercials.

ENROLLED BILL SIGNED

The President pro tempore (Mr. INOUYE) reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 4783. This Act may be cited as ''The Claims Resettlement Act of 2010''.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 325. Concurrent resolution supporting the goals and ideals of National Homeless Persons' Memorial Day; to the Committee on Health, Education, Labor, and Pensions.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 4006. A bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, December 3, 2010, she had presented to the President of the United States the following enrolled bills:

S. 1338. An act to require the accreditation of English language training programs, and for other purposes.

S. 1421. An act to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp.

S. 3250. An act to provide for the training of Federal building personnel, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 3984. A bill to amend and extend the Museum and Library Services Act, and for other purposes.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Gen. Claude R. Kehler, to be General.

(Nomination was reported with recommendation that it be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURR (for himself and Mr. COBURN):

S. 4006. A bill to provide for the use of unobligated discretionary stimulus dollars to address AIDS Drug Assistance Program waiting lists and other cost containment measures impacting State ADAP programs; read the first time.

By Mr. AKAKA:

S. 4007. A bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself and Mr. BROWN of Massachusetts):

S. 4008. A bill to enhance United States diplomatic efforts with respect to Iran by imposing additional economic sanctions against Iran, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. LEAHY, Mr. KYL, Mr. CASEY, Mr. JOHANNS, Mr. WYDEN, and Mr. LIEBERMAN):

S. Res. 694. A resolution condemning the Government of Iran for its state-sponsored persecution of religious minorities in Iran and its continued violation of the International Covenant on Human Rights; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 3390

At the request of Mr. FRANKEN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3390, a bill to end the discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 3946

At the request of Mr. BAUCUS, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3946, a bill to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

S. 3973

At the request of Mr. VOINOVICH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 3973, a bill to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

S. 3990

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 3990, a bill to extend emergency unemployment benefits without adding to the Federal budget deficit, and for other purposes.

AMENDMENT NO. 4727

At the request of Mr. BAUCUS, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 4727 proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 694—CONDEMNING THE GOVERNMENT OF IRAN FOR ITS STATE-SPONSORED PERSECUTION OF RELIGIOUS MINORITIES IN IRAN AND ITS CONTINUED VIOLATION OF THE INTERNATIONAL COVENANT ON HUMAN RIGHTS

Mr. BROWNBACK (for himself, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mr. LEAHY, Mr. KYL, Mr. CASEY, Mr. JOHANNS, Mr. WYDEN, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 694

Whereas Iran is a multicultural society comprised of Shia and Sunni Muslims, as well as Baha'is, Christians, Jews, Zoroastrians, Persians, Azeris, Gilakis and Mazandaranis, Kurds, Arabs, Lurs, Turkmen, Armenians, Balochis, Bakhtyaris, and others, and many of these communities have coexisted for thousands of years;

Whereas the Baha'i community is the largest non-Muslim religious minority in Iran, whose teachings emphasize multiculturalism, equality of men and women, interdependence, and humankind living in peace;

Whereas vast numbers of Iranians recognize the many contributions Baha'is have made to their society despite facing government-sponsored persecution;

Whereas, in 1982, 1984, 1988, 1990, 1992, 1996, 2000, 2006, 2008, and 2009, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas, according to the February 2010 United Nations Human Rights Council Universal Periodic Review of Iran, ''The Secretary-General noted reports about Bahá'is subjected to arbitrary detention, false imprisonment, confiscation and destruction of property, citing a significant increase in violence targeting Bahá'is, including torture or ill-treatment in custody.'';

Whereas, in August 2010, the seven former leaders of the Iranian Baha'i community were sentenced to a 20-year prison term, later reduced to a 10-year sentence, following over two years of arbitrary detention without trial;

Whereas numerous independent observers and legal experts, including the United Nations High Commissioner for Human Rights, have raised serious questions about the lack of due process or fairness of their trial;

Whereas over 43 Baha'is continue to be imprisoned in Iran as of November 2010 solely because of their religious beliefs;

Whereas the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 (Public Law 111–195) calls on the President to impose ''sanctions on certain persons who are responsible for or complicit in human rights abuses committed against citizens of Iran or their family members'';

Whereas, on March 15, 2010, Ms. Rozita Vaseghi was arrested and has since been held in solitary confinement at the detention center of the Ministry of Intelligence unit in Mashhad;

Whereas the seven leaders of the Baha'i community, Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Behrouz Tavakkoli, Saeid Rezaie, Vahid Tizfahm, and Mahvash Sabet, were arrested between March and May 2008 and have remained in detention;

Whereas, on June 14, 2010, the trial of these seven leaders concluded after four hearings and on June 30 the court issued a 20-year prison sentence for each which was subsequently verbally changed to a 10-year sentence;

Whereas, on October 12, 2009, Christian pastor Youcef Nadarkhani was arrested in northern Iran and faces a death sentence for apostasy after he questioned the Muslim monopoly on religious instruction his children were receiving in school;

Whereas, in recent years, there has been a significant increase in the number of incidents of Iranian authorities raiding church services, detaining worshippers and church leaders, and harassing and threatening church members;

Whereas official policies promoting anti-Semitism have risen sharply in Iran, particularly since President Ahmadinejad came to power in 2005;

Whereas, on July 23, 2009, riot police and security forces injured and arrested 20 Sufi practitioners in Gonabad who then received sentences of flogging or imprisonment in May 2010;

Whereas, in January 2009, Jamshid Lak, a Sufi of the Gonabadi Dervish order, was flogged 74 times after being charged in 2006 with slander after reportedly publicly complaining of ill treatment by the Ministry of Intelligence;

Whereas, in July 2008, plain clothes security officers raided the home of Isfahan Iranian Christians Abbas Amiri and Sakineh Rahnama during a meeting, and both Amiri and Rahnama died of injuries suffered during the raid;

Whereas these individuals were targeted solely on the basis of their religion; and

Whereas the Government of Iran is party to the International Covenants on Human Rights: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the Government of Iran for its state-sponsored persecution of religious minorities in Iran and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders of the Baha'i community and all other prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, Ms. Haleh Roohi, and Ms Rozita Vaseghi;

(3) calls on the President and Secretary of State, in cooperation with the international community, to continue to condemn the Government of Iran's ongoing violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, Ms. Haleh Roohi, and Ms Rozita Vaseghi;

(4) urges the President and Secretary of State to consider implementing further sanctions against officials directly responsible for egregious human rights violations, including against the Baha'is;

(5) calls on the United States Government to continue to support an annual United Nations General Assembly resolution condemning severe violations of human rights, including freedom of religion or belief, in Iran;

(6) calls on the United States Government to press for a resolution condemning severe violations of human rights in Iran, including freedom of religion or belief, at the United Nations General Assembly and at the United Nations Human Rights Council; and

(7) call on the United Nations Human Rights Council to restore the position of United Nations Special Rapporteur on the situation of human rights in Iran with the task of investigating and reporting on human rights abuses in Iran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4732. Mr. DURBIN (for Mr. LEAHY) proposed an amendment to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

SA 4733. Mr. DURBIN (for Mr. WEBB) proposed an amendment to the bill S. 1774, for the relief of Hotaru Nakama Ferschke.

TEXT OF AMENDMENTS

SA 4732. Mr. DURBIN (for Mr. LEAHY) proposed an amendment to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; as follows:

On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting ''that is'' after ''or criminal prosecution'';

(B) by inserting ''and that is'' after ''in a State court''; and

(C) by inserting ''or directed to'' after ''against''; and

(2) by adding at the end the following:

''(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.''.

On page 3, strike lines 4 through 19 and insert the following:

''(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding.''.

On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4733. Mr. DURBIN (for Mr. WEBB) proposed an amendment to the bill S. 1774, for the relief of Hotaru Nakama Ferschke; as follows:

At the end, add the following:

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, December 3, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed floor privileges during the consideration of the tax bill: Mary Baker, Danielle Dellerson, Andrew Fishburn, William Kellogg, Nicole Lemire, Deborah Ma, Nicole Marchman, John Merrick, Kane Ossorio, Manishi Rodrigo, and Greg Sullivan.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL AND COMMERCIAL SPACE PROGRAMS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 371, H.R. 3237.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3237) to enact certain laws relating to national and commercial space programs as title 51, United States Code, National and Commercial Space Programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3237) was ordered to a third reading, was read the third time, and passed.

CAPTA REAUTHORIZATION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 670, S. 3817.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3817) to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 3817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''CAPTA Reauthorization Act of 2010''.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) in **[**2007, approximately 794,000 American children were**]***fiscal year 2008, approximately 772,000 children were found by States to be* victims of child abuse and neglect;'';

(2) in paragraph (2)—

[(A) in subparagraph (A), by inserting '', and more than 34 percent of child fatalities in 2007 were attributed to neglect'' after ''maltreatment''; and**]**

(A) in subparagraph (A), by inserting ''and close to ⅓ of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone'' after ''maltreatment''; and

(B) in subparagraph (B)—

(i) by striking ''60 percent'' and inserting ''**[**59**]***71* percent'';

(ii) by striking ''2001'' and inserting **[**''2007''**]***''fiscal year 2008'';*

(iii) by striking ''19 percent'' and inserting ''**[**11**]***16* percent'';

(iv) by striking ''10 percent'' and inserting **[**''slightly less than 8 percent''**]***''9 percent*''; and

(v) by striking ''and 7 percent suffered emotional maltreatment'' and inserting '', **[**4 percent suffered psychological maltreatment, and 13 percent were victims of multiple maltreatments**]***7 percent suffered psychological maltreatment, 2 percent experienced medical neglect, and 9 percent were victims of other forms of maltreatment*'';

(3) in paragraph (3)—

(A) in subparagraph (A) by inserting ''or neglect'' after ''abuse'';

(B) in subparagraph (B), by striking ''2001, an estimated 1,300'' and inserting **[**''2007, an estimated 1,760''**]***''fiscal year 2008, an estimated 1,740''*; and

(C) in subparagraph (C)—

(i) by inserting ''in **[**2007**]***fiscal year 2008*,'' after ''(C)'';

(ii) by striking ''41 percent'' and inserting ''**[**42**]***45* percent'';

(iii) by striking ''85 percent'' and inserting ''**[**76**]***72* percent'';

(iv) by striking ''6 years'' and inserting ''4 years''; and

(v) by striking ''abuse'' each place it appears and inserting ''maltreatment'';

(4) in paragraph (4)(B), by striking ''slightly'' and all that follows and inserting ''approximately **[**38**]***37* percent of victims of child abuse did not receive post-investigation services in **[**2007**]***fiscal year 2008*;'';

(5) by redesignating paragraphs (5) through (13) as paragraphs (6) through (11) and (13) through (15), respectively;

(6) by inserting after paragraph (4) of this section the following:

''(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;'';

(7) in paragraph (6), as redesignated by paragraph (5) of this section—

(A) in subparagraph (A), by inserting ''domestic violence services,'' after ''mental health,''; and

(B) by amending subparagraph (E) to read as follows:

''(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;'';

(8) by inserting after paragraph (11), as redesignated by paragraph (5) of this section, the following:

''(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;'';

(9) in paragraphs (14) and (15), as redesignated by paragraph (5) of this section, by striking ''Federal government'' and inserting ''Federal Government''; and

(10) in paragraph (14), as redesignated by paragraph (5) of this section, by inserting ''and'' at the end.

Subtitle A—General Program

SEC. 111. ADVISORY BOARD.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''medicine (including pediatrics)'' and inserting ''health care providers (including pediatricians)'';

(B) in paragraph (12), by striking ''and'';

(C) in paragraph (13), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(14) Indian tribes or tribal organizations.''; and

(2) in subsection (f)—

(A) in paragraph (1), by inserting ''tribal,'' after ''State,'' each place such term appears; and

(B) in paragraph (2)—

(i) by striking ''abuse or neglect which'' and inserting ''child abuse or neglect which''; and

(ii) by striking ''Federal and State'' and inserting ''Federal, State, and tribal''.

SEC. 112. NATIONAL CLEARINGHOUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), by inserting ''and neglect'' before the period;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (4) through (7), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) maintain, coordinate, and disseminate information on **[**all**]** effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for **[**broad scale**]***broad-scale* implementation and replication;

''(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse **[**or**]***and* neglect;

''(3) maintain and disseminate information on best practices relating to differential response;'';

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by inserting ''and disseminate'' after ''maintain'';

(D) in paragraph (5), as redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (B), by inserting ''(42 U.S.C. 5105 note)'' before the semicolon; and

(ii) in subparagraph (C), by striking ''alcohol or drug'' and inserting ''substance'';

(E) in subparagraph (C) of paragraph (6), as redesignated by subparagraph (A) of this paragraph, by striking ''and'' at the end;

(F) in subparagraph (B) of paragraph (7), as redesignated by subparagraph (A) of this paragraph, by striking ''and child welfare personnel.'' and inserting ''child welfare, substance abuse treatment services, and domestic violence services personnel; and''; and

(G) by adding at the end the following:

''(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.''; and

(3) in subsection (c)(1)—

(A) by striking subparagraph (B) and inserting the following:

''(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such

clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;'';

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting ''tribal,'' after ''State,'';

[(i)]*(ii)* in clause (i), by striking ''and'' at the end; and

[(ii)]*(iii)* by adding at the end the following:

''(iii) information about the incidence and characteristics of child abuse [or *and* neglect in circumstances in which domestic violence is present; and

''(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;''; and

(C) in subparagraph (F), by striking ''abused or neglected children'' and inserting ''victims of child abuse or neglect''.

SEC. 113. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''from abuse or neglect and to improve the well-being of abused or neglected children'' and inserting ''from child abuse or neglect and to improve the well-being of victims of child abuse or neglect'';

(B) in subparagraph (B), by striking ''abuse and neglect on'' and inserting ''child abuse and neglect on'';

(C) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I), as subparagraphs (D), (E), (F), (H), (J), (N), and (O), respectively;

(D) by inserting after subparagraph (B) the following:

[''(C) effective approaches to providing assistance to infants or toddlers who experience child abuse or neglect, together with their parents or primary caregivers, to improve the relationship and attachment involved;'';]

''(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate;'';

(E) in subparagraph (D), as redesignated by subparagraph (C) of this paragraph, by inserting ''and neglect'' before the semicolon;

(F) in subparagraph (E), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting '', including best practices to meet the needs of special populations,'' after ''best practices''; and

(ii) by striking ''(12)'' and inserting ''(14)'';

(G) by inserting after subparagraph (F), as redesignated by subparagraph (C) of this paragraph, the following:

''(G) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between—

''(i) the child protective service system; and

''(ii)(I) the medical community, including providers of mental health and developmental disability services; and

''(II) providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect;'';

(H) by inserting after subparagraph (H), as redesignated by subparagraph (C) of this paragraph, the following:

''(I) effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their nonabusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;'';

(I) in subparagraph (J), as redesignated by subparagraph (C) of this paragraph, by striking ''low income'' and inserting ''low-income'';

(J) by inserting after subparagraph (J), as redesignated by subparagraph (C) of this paragraph, the following:

''(K) the impact of child abuse and neglect on the incidence and progression of disabilities;

''(L) the nature and scope of effective practices relating to differential response, including an analysis of best practices conducted by the States;

''(M) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities;'';

(K) in subparagraph (N), as redesignated by subparagraph (C) of this paragraph, by striking ''clauses (i) through (xi) of subparagraph (H)'' and inserting ''clauses (i) through (x) of subparagraph (O)''; and

(L) in subparagraph (O), as redesignated by subparagraph (C) of this paragraph—

(i) in clauses (i) and (ii), by inserting ''and neglect'' after ''abuse'';

(ii) in clause (v), by striking ''child abuse have'' and inserting ''child abuse and neglect have''; and

(iii) in clause (x), by striking ''abuse'' and inserting ''child abuse and neglect'';

(2) in paragraph (2), by striking ''subparagraphs'' and all that follows and inserting ''clauses (i) through (x) of paragraph (1)(O).'';

(3) in paragraph (3), by striking ''Keeping Children and Families Safe Act of 2003'' and inserting ''CAPTA Reauthorization Act of 2010''; [and]

(4) in paragraph (4)—

(A) by striking ''(A) The'' and inserting the following:

''(A) IN GENERAL.—The''; and

(B) in subparagraph (B)—

(i) by striking all that precedes ''later'' and inserting the following:

''(B) PUBLIC COMMENT.—Not'';

(ii) by striking ''than 2'' and inserting ''than 1''; and

(iii) by striking ''Keeping Children and Families Safe Act of 2003'' and inserting ''CAPTA Reauthorization Act of 2010''[.]*; and*

(5) by adding at the end the following:

''(4) STUDY ON SHAKEN BABY SYNDROME.—The Secretary shall conduct a study that—

''(A) identifies data collected on shaken baby syndrome;

''(B) determines the feasibility of collecting uniform, accurate data from all States regarding—

''(i) incidence rates of shaken baby syndrome;

''(ii) characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and

''(iii) characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained.''.

(b) TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1), by inserting ''and providers of mental health, substance abuse treatment, and domestic violence prevention services'' after ''disabilities''; and

(2) in paragraph (3)(B)—

(A) by striking ''and child welfare personnel'' and inserting ''child welfare, substance abuse, and domestic violence services personnel''; and

(B) by striking ''subjected to abuse.'' and inserting ''subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.''.

(c) PEER REVIEW FOR [GRANTS]*FOR GRANTS AND CONTRACTS.*—Section 104(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested.''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) MEMBERS.—In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who—

''(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and

''(ii) are not individuals who are officers or employees of the Administration for Children and Families.

''(C) MEETINGS.—The peer review panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but shall meet not less often than once a year.

''(D) CRITERIA AND GUIDELINES.—The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts.''; and

(2) in paragraph (3)—

(A) by striking ''(A) The'' and inserting the following:

''(A) MERITORIOUS PROJECTS.—The''; and

(B) in subparagraph (B), by striking all that precedes ''the instance'' and inserting the following:

''(B) EXPLANATION.—In''.

(d) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104(e) of the Child Abuse Prevention and Treatment Act *(42 U.S.C. 5105(e))* is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''States or'' and inserting ''entities that are States, Indian tribes or tribal organizations, or''; and

(B) by striking ''such agencies or organizations'' and inserting ''such entities'';

(2) in paragraph (1)(B), by striking ''safely facilitate the'' and inserting ''facilitate the safe''; and

(3) in paragraph (2)—

(A) by inserting ''child care and early childhood education and care providers,'' after ''in cooperation with''; and

(B) by striking ''preschool'' and inserting ''preschools,''.

SEC. 114. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the heading, by striking ''**STATES**'' and inserting ''**STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS,**''

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''States,'' and inserting ''entities that are States, Indian tribes or tribal organizations, or''; and

(ii) by striking ''such agencies or organizations'' and inserting ''such entities'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''this section'' and inserting ''this subsection'';

(ii) in subparagraph (A)—

(I) by inserting ''health care,'' before ''medicine,'';

(II) by inserting ''child care,'' after ''education,''; and

(III) by inserting ''and neglect'' before the semicolon;

(iii) in subparagraph (B), by inserting a comma after ''youth'';

(iv) in subparagraph (D)—

(I) by striking ''support the enhancement of linkages between'' and inserting ''enhance linkages among'';

(II) by striking ''including physical'' and all that follows through ''partnerships'' and inserting ''entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships''; and

(III) by striking ''offer creative approaches to using'' and inserting ''support the coordinated use of'';

(v) by redesignating subparagraphs (E) through (J) as subparagraphs (F), (G), and (I) through (L), respectively;

(vi) by inserting after subparagraph (D) the following:

''(E) for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting interagency collaboration;'';

(vii) by inserting after subparagraph (G), as redesignated by clause (v) of this subparagraph, the following:

''(H) for the training of personnel in childhood development including the unique needs of children under age 3;'';

(viii) in subparagraph (J), as redesignated by clause (v) of this subparagraph, by striking ''and other public and private welfare agencies'' and inserting ''other public and private welfare agencies, and agencies that provide early intervention services'';

(ix) in subparagraph (K), as redesignated by clause (v) of this subparagraph, by striking ''and'' at the end;

(x) in subparagraph (L), as redesignated by clause (v) of this subparagraph—

(I) by striking ''disabled infants'' each place it appears and inserting ''infants or toddlers with disabilities''; and

(II) by striking the period and inserting ''; and''; and

(xi) by adding at the end the following:

''(M) for the training of personnel in best practices relating to the provision of differential response.'';

(C) in paragraph (2)(C), by striking ''where'' and inserting ''when'';

[(C)**]***(D)* in paragraph (3), by inserting '', leadership,'' after ''mutual support'';

[(D)**]***(E)* in paragraph (4), by striking all that precedes ''Secretary'' and inserting the following:

''(4) KINSHIP CARE.—The'';

[(E)**]***(F)* in paragraph (4), by striking ''in not more than 10 States'';

[(F)**]***(G)* in paragraph (5)—

(i) in the paragraph heading—

(I) by striking ''BETWEEN'' and inserting ''AMONG''; and

(II) by striking ''AND DEVELOPMENTAL DISABILITIES'' and inserting ''SUBSTANCE ABUSE, DEVELOPMENTAL DISABILITIES, AND DOMESTIC VIOLENCE SERVICE'';

(ii) by striking ''between'' and inserting ''among'';

(iii) by striking ''mental health'' and all that follows through '', for'' and inserting ''mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for''; and

(iv) by striking ''help assure'' and inserting ''ensure''; and

[(G)**]***(H)* by inserting after paragraph (5) the following:

''(6) COLLABORATIONS BETWEEN CHILD PROTECTIVE SERVICE ENTITIES AND DOMESTIC VIOLENCE SERVICE ENTITIES.—The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the nonabusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent.''; and

(3) in subsection (b)(4)—

(A) in subparagraph (A)(ii), by striking ''neglected or abused'' and inserting ''victims of child abuse or neglect'';

(B) in subparagraphs (B)(ii) and (C)(iii), by striking ''abuse or neglect'' and inserting ''child abuse and neglect'';

(C) in subparagraph (C)(iii), by striking ''been neglected or abused'' and inserting ''been a victim of child abuse or neglect''; and

(D) in subparagraph (D), by striking ''a'' after ''grantee is'' and inserting ''an''.

SEC. 115. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) SECTION HEADING.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by striking the section heading and inserting the following:

''SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.''.

(b) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''based on'' and all that follows through ''18 in'' and inserting ''from allotments made under subsection (f) for'';

(2) in paragraph (1), by striking ''abuse and neglect'' and inserting ''child abuse or neglect'';

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting '', intra-agency, interstate, and intrastate'' after ''interagency''; and

(B) in subparagraph (B)(i), by striking ''abuse and neglect'' and inserting ''child abuse or neglect'';

(4) in paragraph (4), by inserting '', including the use of differential response'' after ''protocols'';

(5) in paragraph (6)—

(A) in subparagraph (A) by inserting '', including the use of differential response,'' after ''strategies'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking ''workers'' and all that follows and inserting ''workers; and''; and

(D) by adding at the end the following:

''(D) training in early childhood, child, and adolescent development;'';

(6) by striking paragraphs (8) and (9) and inserting the following:

''(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;'';

(7) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(8) in paragraph (9), as redesignated by paragraph (7) of this subsection—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(D) the use of differential response in preventing child abuse and neglect;'';

(9) in paragraph (10), as redesignated by paragraph (7) of this subsection, by inserting '', including the use of differential response'' before the semicolon;

(10) in paragraph (12), as redesignated by paragraph (7) of this subsection, by striking ''or'' at the end;

(11) in paragraph (13), as redesignated by paragraph (7) of this subsection—

(A) by striking ''supporting and enhancing'' and all that follows through ''community-based programs'' and inserting ''supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—'';

(B) by striking ''to provide'' and inserting the following:

''(A) to provide'';

(C) by striking ''systems) and'' and inserting ''systems), and the use of differential response; and'';

(D) by striking ''to address'' and inserting the following:

''(B) to address'';

(E) by striking ''abused or neglected'' and inserting ''victims of child abuse or neglect;''and

(F) by striking the period at the end and inserting ''; or''; and

(12) by adding at the end the following:

''(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—

''(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

''(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.''.

(c) ELIGIBILITY REQUIREMENTS.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) STATE PLAN.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

''(B) DURATION OF PLAN.—Each State plan shall—

''(i) remain in effect for the duration of the State's participation under this section; and

''(ii) be periodically reviewed and revised as necessary by the State to reflect changes in the State's strategies and programs under this section.

''(C) ADDITIONAL INFORMATION.—The State shall provide notice to the Secretary—

''(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

''(ii) *of* any significant changes in how funds provided under this section are used to support activities described in this section,

which may differ from the activities described in the current State application.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(B) by striking the matter preceding subparagraph (B), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

''(2) CONTENTS.—A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including—

''(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;'';

(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding clause (i)—

(I) by striking ''chief executive officer'' and inserting ''Governor''; and

(II) by striking ''Statewide'' and inserting ''statewide'';

(ii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by inserting ''with'' after ''born''; and

(bb) by inserting ''or a Fetal Alcohol Spectrum Disorder,'' after ''drug exposure,''; and

(II) in subclause (I), by inserting ''or neglect'' before the semicolon;

(iii) in clause (iii), by inserting '', or a Fetal Alcohol Spectrum Disorder'' before the semicolon;

(iv) in clause (v), by inserting '', including the use of differential response,'' after ''procedures'';

(v) in clause (vi)—

(I) by striking ''the abused or neglected child'' and inserting ''a victim of child abuse or neglect''; and

(II) by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(vi) in clause (ix), by striking ''abuse and neglect'' and inserting ''child abuse and neglect'';

(vii) in clause (xi), by striking ''or neglect'' and inserting ''and neglect'';

(viii) in clause (xiii)—

(I) by striking ''an abused or neglected child'' and inserting ''a victim of child abuse or neglect''; and

(II) by inserting ''including training in early childhood, child, and adolescent development,'' after ''to the role,'';

(ix) in clause (xv)(II), by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(x) in clause (xviii), by striking ''abuse and'' and inserting ''abuse or'';

(xi) in clause (xvi)—

(I) in subclause (III), by striking ''; or'' and inserting '';''; and

(II) by adding at the end the following:

''(V) to have committed sexual abuse against the surviving child or another child of such parent; or

''(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));'';

[(xi)**]***(xii)* in clause (xxi), by striking ''Act; and'' and inserting ''Act (20 U.S.C. 1431 et seq.);'';

[(xii)**]***(xiii)* in clause (xxii)—

(I) by striking ''not later'' through ''2003,''; **[**and**]**

(II) by inserting ''that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))'' after ''checks''; and

[(II)**]***(III)* **[**in clause (xxii), **]**by adding ''and'' at the end; and

[(xiii)**]***(xiv)* by adding at the end the following:

''(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;'';

(D) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) by striking ''disabled infants with'' each place it appears and inserting ''infants with disabilities who have''; and

(ii) in clause (iii), by striking ''life threatening'' and inserting ''life-threatening'';

(E) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (ii), by striking ''and'' at the end;

(ii) in clause (iii), by striking ''and'' at the end;

(iii) by adding at the end the following:

''(iv) policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;

''(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

''(vi) policies and procedures regarding the use of differential response, as applicable;'';

(F) in subparagraph (E), as redesignated by subparagraph (A) of this paragraph—

(i) by inserting ''(42 U.S.C. 621 et seq.)'' after ''Act''; and

(ii) by striking the period at the end and inserting a semicolon;

(G) by inserting after subparagraph (E), as redesignated by subparagraph (A) of this paragraph, the following:

''(F) an assurance or certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support **[**services and neglect**]***services* and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and *meet the requirements of* the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

''(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.''; and

(H) in the last sentence, by striking ''subparagraph (A)'' and inserting ''subparagraph (B)''; and

(3) in paragraph (3), by striking ''paragraph (2)(A)'' and inserting ''paragraph (2)(B)''.

(d) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (2), by inserting before the period the following: '', and may include adult former victims of child abuse or neglect''; and

(2) in paragraph (4)(A)(iii)(I), by inserting ''(42 U.S.C. 670 et seq.)'' before the semicolon.

(e) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(1) in paragraph (1), by striking ''as abused or neglected'' and inserting ''as victims of child abuse or neglect'';

(2) in paragraph (4), by inserting '', including use of differential response,'' after ''services'';

(3) by striking paragraph (7) and inserting the following:

''(7)(A) The number of child protective service personnel responsible for the—

''(i) intake of reports filed in the previous year;

''(ii) screening of such reports;

''(iii) assessment of such reports; and

''(iv) investigation of such reports.

''(B) The average caseload for the workers described in subparagraph (A).'';

(4) in paragraph (9), by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(5) by striking paragraph (10) and inserting the following:

''(10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

''(A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

''(B) data on the education, qualifications, and training of such personnel;

''(C) demographic information of the child protective service personnel; and

''(D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.'';

(6) in paragraph (11), by striking ''and neglect'' and inserting ''or neglect''; and

(7) by adding at the end the following:

''(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

''(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).''.

(f) ANNUAL REPORT.—Section 106(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(e)) is amended by inserting ''and neglect'' before the period.

(g) FORMULA.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by adding at the end the following:

''(f) ALLOTMENTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FISCAL YEAR 2009 GRANT FUNDS.—The term 'fiscal year 2009 grant funds' means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

''(B) GRANT FUNDS.—The term 'grant funds' means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

''(C) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(D) TERRITORY.—The term 'territory' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(2) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory that applies for a grant under this section in an amount equal to the sum of—

''(A) $50,000; and

''(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received $50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

''(3) ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

''(4) ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

''(A) MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATIONS YEARS.—In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than $1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

''(i) $100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than $1,000,000 but less than $2,000,000;

''(ii) $125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least $2,000,000 but less than $3,000,000; and

''(iii) $150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least $3,000,000.

''(B) ALLOTMENT ADJUSTMENT.—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

''(5) HOLD HARMLESS.—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.''.

SEC. 116. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;

''(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;'';

(B) in paragraph (3), by striking ''particularly'' and inserting ''including''; and

(C) in paragraph (4)—

(i) by striking ''the handling'' and inserting ''the assessment and investigation''; and

(ii) by striking ''victims of abuse'' and inserting ''suspected victims of child abuse'';

(2) in subsection (b)(1), by striking ''section 107(b)'' and inserting ''section 106(b)'';

(3) in subsection (c)(1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(I) adult former victims of child abuse or neglect; and

''(J) individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).'';

(4) in subsection (d)(1), by striking ''particularly'' and inserting ''including'';

(5) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''particularly'' and inserting ''including'';

(B) in subparagraph (B)—

(i) by inserting a comma after ''model''; and

(ii) by striking ''improve the rate'' and all that follows through ''child sexual abuse cases'' and inserting the following: ''improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children''; and

(C) in subparagraph (C)—

(i) by inserting a comma after ''protocols'';

(ii) by striking ''from abuse'' and inserting ''from child abuse and neglect''; and

(iii) by striking ''particularly'' and inserting ''including''; and

(6) in subsection (f), by inserting ''(42 U.S.C. 10603a)'' after ''1984''.

SEC. 117. MISCELLANEOUS REQUIREMENTS.

Section 108(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d(d)) is amended to read as follows:

''(d) SENSE OF CONGRESS.—It is the sense of ⟦congress⟧*Congress* that the Secretary should encourage all States and public and private entities that receive assistance under this title to—

''(1) ensure that children and families with limited English proficiency who participate in programs under this title are provided with materials and services through such programs in an appropriate language other than English; and

''(2) ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities.''.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by striking subsections (a) and (b) and inserting the following:

''(a) COORDINATION EFFORTS.—Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after that date of enactment, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following that date of enactment. Not later than 5 years after that date of enactment, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following that date of enactment.

''(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010 and every 2 years thereafter, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 106 in achieving the objectives of section 106.''.

(b) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—Section 110(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f(c)) is amended to read as follows:

''(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

''(1) IN GENERAL.—The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 106(c), in achieving the stated function of such panels under section 106(c)(4)(A) of—

''(A) examining the policies, procedures, and practices of State and local child protection agencies; and

''(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 106(c)(4)(A).

''(2) CONTENT OF STUDY.—The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

''(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

''(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

''(C) Evidence of the adherence and responsiveness to the reporting requirements under section 106(c)(6) by citizen review panels and States.

''(3) REPORT.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).''.

SEC. 119. DEFINITIONS.

Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended—

(1) in paragraph (5)—

(A) by inserting ''except as provided in section 106(f),'' after ''(5)'';

(B) by inserting ''and'' after ''Samoa,''; and

(C) by striking ''and the Trust Territory of the Pacific Islands'';

(2) in paragraph (6)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) the term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);

''(8) the term 'infant or toddler with a disability' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432);

''(9) the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(10) the term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517); and

''(11) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).''.

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

[Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended by striking ''$120,000,000'' and all that follows and inserting ''$132,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.''.]*Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended—*

(1) by striking ''2004'' and inserting ''2010''; and

(2) by striking ''2005 through 2008'' and inserting ''2011 through 2015''.

SEC. 121. RULE OF CONSTRUCTION.

Section 113(a)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106i(a)(2)) is amended by striking ''abuse or neglect'' and inserting ''child abuse or neglect''.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse or Neglect

SEC. 131. TITLE HEADING.

The title heading of title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended to read as follows:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE [OR]AND NEGLECT''.

SEC. 132. PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''hereafter'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting a comma after ''expanding''; and

(II) by striking ''(through networks where appropriate)'';

(ii) in subparagraph (E), by inserting before the semicolon the following: '', including access to such resources and opportunities for unaccompanied homeless youth''; and

(iii) by striking subparagraph (G) and inserting the following:

''(G) demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and'';

(C) in paragraph (2), by inserting after ''children and families'' the following: '', including unaccompanied homeless youth,'';

(D) in paragraph (3)—

(i) by inserting ''substance abuse treatment services, domestic violence services,'' after ''mental health services,''; [and]

(ii) by striking ''family resource and support program'' and inserting ''community-based child abuse and neglect prevention program''; and

[(ii)]*(iii)* by striking ''community-based family resource and support program'' and inserting ''community-based child abuse and neglect prevention programs''; and

(E) in paragraph (4)—

[(i) by inserting ''and'' after ''reporting'';]

(i) by inserting ''and reporting'' after ''information management'';

(ii) by striking the comma after ''prevention-focused''; and

(iii) by striking ''(through networks where appropriate)''.

SEC. 133. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) by striking ''chief executive officer'' each place it appears and inserting ''Governor''; and

(B) by inserting a comma after ''enhance'';

(2) in paragraphs (1), (2), and (3), by striking ''(through networks where appropriate)'' each place it appears;

(3) in paragraphs (2) and (3), in the matter preceding subparagraph (A), by striking ''chief executive officer'' and inserting ''Governor''; and

[(4) in subparagraphs (A) and (B) of paragraph (2), by inserting ''adult former victims of child abuse or neglect,'' after ''parents,''.]

(4) in paragraph (2)—

(A) in subparagraphs (A) and (B), by inserting ''adult former victims of child abuse or neglect,'' after ''parents,''; and

(B) in subparagraph (C), by inserting a comma after ''State''.

SEC. 134. AMOUNT OF GRANT.

Section 203(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1))—

(1) in subparagraph (A), by striking all that precedes ''70'' and inserting the following:

''(A) 70 PERCENT.—''; and

(2) in subparagraph (B), by striking all that precedes ''30'' and inserting the following:

''(B) 30 PERCENT.—''.

SEC. 135. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraphs (1) and (2), by striking ''(through networks where appropriate)'';

(2) in paragraph (2)—

(A) by striking ''and how family resource and support'' and inserting '', including how community-based child abuse and neglect prevention''; and

(B) by striking ''services provided'' and inserting ''programs provided'';

(3) in paragraph (4), by inserting a comma after ''operation'';

(4) in paragraph (6)—

(A) by striking ''an assurance that the State has the'' and inserting ''a description of the State's''; and

(B) by striking ''consumers and'' and inserting ''consumers, of family advocates, and of adult former victims of child abuse or neglect,'';

(5) in paragraph (7), by inserting a comma after ''expansion'';

(6) in paragraph (8)—

(A) by striking ''and activities''; and

(B) by inserting after ''homelessness,'' the following: ''unaccompanied homeless youth,'';

(7) in paragraph (9), by inserting a comma after ''training''; and

(8) in paragraph (11), by inserting a comma after ''procedures''.

SEC. 136. LOCAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting a comma after ''expand'';

(2) in paragraph (1)—

(A) by striking ''parents and'' and inserting ''parents,''; and

(B) by inserting ''in meaningful roles'' before the semicolon;

(3) in paragraph (2)—

(A) by striking ''a strategy to provide, over time,'' and inserting ''a comprehensive strategy to provide'';

(B) by striking ''family centered'' and inserting ''family-centered''; and

(C) by striking ''and parents with young children,'' and inserting '', to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect,'';

(4) in paragraph (3)—

(A) by striking all that precedes subparagraph (C) and inserting the following:

''(3)(A) provide for core child abuse and neglect prevention services, which may be provided directly by the local recipient of the grant funds or through grants or agreements with other local agencies, such as—

''(i) parent education, mutual support and self help, and parent leadership services;

''(ii) respite care services;

''(iii) outreach and followup services, which may include voluntary home visiting services; and

''(iv) community and social service referrals; and''; and

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking ''(C)'' and inserting ''(B) provide'';

(ii) by striking clause (ii) and inserting the following:

''(ii) child care, early childhood education and care, and intervention services;'';

(iii) in clause (iii), by inserting ''and parents who are individuals with disabilities'' before the semicolon;

(iv) in clause (v), by striking ''scholastic tutoring'' and inserting ''academic tutoring'';

(v) in clause (vii), by striking ''and'' after the semicolon;

(vi) in clause (viii), by adding ''and'' after the semicolon;

(vii) by adding at the end the following:

''(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.''; and

(viii) in clause (v), by striking ''scholastic tutoring'' and inserting ''academic tutoring'';

(5) in paragraph (5), by striking ''family resource and support program'' and inserting ''child abuse and neglect prevention program''; and

(6) in paragraph (6), by inserting a comma after ''operation''.

(b) TECHNICAL AMENDMENT.—Section 206(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(b)) is amended—

(1) by striking ''low income'' and inserting ''low-income''; and

(2) by striking ''family resource and support programs'' and inserting ''child abuse and neglect prevention programs.''.

SEC. 137. CONFORMING AMENDMENTS.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. [5116g]*5119f*) is amended—

(1) in paragraph (1), by inserting a comma after ''operation'';

(2) in paragraph (2), by inserting ''which description shall specify whether those services are supported by research'' after ''section 202'';

(3) in paragraph (4)—

(A) by striking ''section 205(3)'' and inserting ''section 204(3)''; and

(B) by inserting a comma after ''operation'';

(4) in paragraph (6)—

(A) by inserting a comma after ''local''; and

(B) by inserting a comma after ''expansion''; and

(5) in paragraph (7), by striking ''the results'' and all that follows and inserting ''the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes of the program; and''.

SEC. 138. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is amended—

(1) in paragraph (1), by inserting a comma after ''operate'';

(2) in paragraph (2), by inserting a comma after ''operate''; and

(3) in paragraph (4), by inserting a comma after ''operate''.

[SEC. 139. DEFINITIONS.

[Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

[(1) in paragraph (1), by inserting before the period the following: ''(20 U.S.C. 1401(3), 1432(5))'';

[(2) in paragraph (5)—

[(A) in the matter preceding subparagraph (A), by inserting '', including the services of crisis nurseries,'' after ''short term care services'';

[(B) in subparagraphs (A) and (B), by striking ''abuse or neglect'' and inserting ''child abuse or neglect''; and

[(C) in subparagraph (C), by striking ''have'' and all that follows and inserting ''have disabilities or chronic or terminal illnesses.'';

[(3) by redesignating paragraph (5) as paragraph (4); and

[(4) by adding at the end the following:

[''(5) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

[''(6) UNACCOMPANIED HOMELESS YOUTH.—The term 'unaccompanied homeless youth' has the same meaning given the term under section 111.''.]

SEC. 139. DEFINITIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (5) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph (A), by inserting '', including the services of crisis nurseries,'' after ''short term care services'';

(B) in subparagraphs (A) and (B), by striking ''abuse or neglect'' and inserting ''child abuse or neglect''; and

(C) in subparagraph (C), by striking ''have'' and all that follows and inserting ''have disabilities or chronic or terminal illnesses.''.

SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and [Treatment Act (42 U.S.C. 5116i) is amended by striking ''$80,000,000'' and all that follows and inserting ''$88,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.''.] *Treatment Act (42 U.S.C. 5116i) is amended—*

(1) by striking ''2004'' and inserting ''2010''; and

(2) by striking ''2005 through 2008'' and inserting ''2011 through 2015''.

SEC. 141. REDESIGNATION.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended by redesignating sections 205 through 210 as sections 204 through 209, respectively.

SEC. 142. TRANSFER OF DEFINITIONS.

(a) GENERAL DEFINITIONS.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after section 2 the following:

''SEC. 3. GENERAL DEFINITIONS.

''In this Act—

''(1) the term 'child' means a person who has not attained the lesser of—

''(A) the age of 18; or

''(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

''(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

''(3) the term 'child with a disability' means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432);

''(4) the term 'Governor' means the chief executive officer of a State;

''(5) the terms 'Indian','Indian tribe', and'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(6) the term 'Secretary' means the Secretary of Health and Human Services;

''(7) except as provided in section 106(f), the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

''(8) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).''.

(b) CONFORMING AMENDMENTS.—Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g), as amended by section 119, is further amended—

(1) by striking paragraphs (1), (2), (3), (5), (9), and (11) of section 111;

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (1), (2), and (3), respectively, and inserting the paragraphs before paragraph (4);

(3) in paragraph (3), as so redesignated, by striking ''and'' at the end;

(4) in paragraph (4), by adding ''and'' at the end; and

(5) by redesignating paragraph (6) as paragraph (5).

Subtitle C—Conforming Amendments

SEC. 151. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Child Abuse Prevention and Treatment Act is amended—

(1) by inserting after the item relating to section 2 the following:

''Sec. 3. General definitions.'';

[(1)]*(2)* by amending the item relating to section 105 to read as follows:

''Sec. 105. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations.'';

[(2)]*(3)* by amending the item relating to section 106 to read as follows:

''Sec. 106. Grants to States for child abuse or neglect prevention and treatment programs.'';

[(3)]*(4)* by striking the item relating to the title heading of title II and inserting the following:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE OR NEGLECT'';

and

[(4)]*(5)* by striking the items relating to sections 204 through 210 and inserting the following:

''Sec. 204. Application.
''Sec. 205. Local program requirements.
''Sec. 206. Performance measures.
''Sec. 207. National network for community-based family resource programs.
''Sec. 208. Definitions.
''Sec. 209. Authorization of appropriations.''.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. FAMILY VIOLENCE PREVENTION AND SERVICES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended to read as follows:

''TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

''SEC. 301. [PURPOSE]*SHORT TITLE; PURPOSE.*

''[It is the purpose of this title to—]

''(a) SHORT TITLE.—This title may be cited as the 'Family Violence Prevention and Services Act'.

''(b) PURPOSE.—It is the purpose of this title to—

''(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

''(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

''(3) provide for a national domestic violence hotline;

''(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, [tribal organizations, and voluntary associations)]*and voluntary associations), tribal organizations,* and other persons seeking such assistance and training.

''SEC. 302. DEFINITIONS.

''In this title:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(2) DATING VIOLENCE.—The term 'dating violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(3) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(4) FAMILY VIOLENCE.—The term 'family violence' means any act or threatened act of violence, including any forceful detention of an individual, that—

''(A) results or threatens to result in physical injury; and

''(B) is committed by a person against another individual (including an elderly individual) to or with whom such person—

''(i) is related by blood;

''(ii) is or was related by marriage or is or was otherwise legally related; or

''(iii) is or was lawfully residing.

''(5) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

[''(6) NATIVE HAWAIIAN; NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian' and 'Native Hawaiian organization' have the

meanings given the terms in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).]

''*(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).*

''(7) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(9) SHELTER.—The term 'shelter' means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

''(10) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(11) STATE DOMESTIC VIOLENCE COALITION.—The term 'State Domestic Violence Coalition' means a statewide nongovernmental nonprofit private domestic violence organization that—

''(A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

''(B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in which the services are being provided in the State;

''(C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

''(D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of polices, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

''(12) SUPPORTIVE SERVICES.—The term 'supportive services' means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to—

''(A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

''(B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

''(13) TRIBALLY DESIGNATED OFFICIAL.—The term 'tribally designated official' means an indi[vidual designated by an Indian tribe to receive a grant to an Indian tribe, tribal organization, or nonprofit private organization under section 309(a).]*vidual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 309.*

''(14) UNDERSERVED POPULATIONS.—The term 'underserved populations' has the meaning given the term in section 40002(a)[(33)] of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)[(33)]). For the purposes of this title, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 40002(a)[(33)].

''SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

''(a) FORMULA GRANTS TO STATES.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out sections 301 through 312, [$192,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.]*$175,000,000 for each of fiscal years 2011 through 2015.*

''(2) ALLOCATIONS.—

''(A) FORMULA GRANTS TO STATES.—

''(i) RESERVATION OF FUNDS.—For any fiscal year for which the amounts appropriated under paragraph (1) exceed $130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 312.

''(ii) FORMULA GRANTS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 306(a).

''(B) GRANTS TO TRIBES.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 309.

''(C) TECHNICAL ASSISTANCE AND TRAINING CENTERS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 310.

''(D) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

''(E) ADMINISTRATION, EVALUATION AND MONITORING.—Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.

''(b) NATIONAL DOMESTIC VIOLENCE HOTLINE.—There is authorized to be appropriated to carry out section 313 [$5,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.]*$3,500,000 for each of fiscal years 2011 through 2015.*

''(c) DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.—There is authorized to be appropriated to carry out section 314 [$7,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.]*$6,000,000 for each of fiscal years 2011 through 2015.*

''SEC. 304. AUTHORITY OF SECRETARY.

''(a) AUTHORITIES.—In order to carry out the provisions of this title, the Secretary is authorized to—

''(1) appoint and fix the compensation of such personnel as are necessary;

''(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

''(3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;

''(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this title, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this title by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees *and contractors*, or as determined by the Secretary to be reasonably necessary to carry out this title; and

''(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate *those* programs with programs administered by other Federal agencies, that involve or [impact]*affect* efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

''(b) ADMINISTRATION.—The Secretary shall—

''(1) [appoint]*assign* 1 or more employees of the Department of Health and Human Services to carry out the provisions of this title, including carrying out evaluation and monitoring under this title, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services *and, to the extent practicable, have expertise in the field of dating violence*;

''(2) [provide for the training of personnel and] provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

''(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—

''(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

''(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this title and by other governmental or nongovernmental sources of funds; and

''(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and

''(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

''(c) REPORTS.—Every 2 years, the Secretary shall review and evaluate the activities conducted by [grantees and subgrantees]*grantees, subgrantees, and contractors* under this title and the effectiveness of the programs administered pursuant to this title, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 306(d). The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 306(d).

"SEC. 305. ALLOTMENT OF FUNDS.

"(a) IN GENERAL.—From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year—

"(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than ⅛ of 1 percent of the amounts available for grants under section 306(a) for the fiscal year for which the allotment is made; and

"(2) each State shall be allotted for a grant under section 306(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

"(b) POPULATION.—For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

"(c) RATABLE REDUCTION.—If the sums appropriated under section 303 for any fiscal year and available for grants to States under section 306(a) are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(d) REALLOTMENT.—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303, the amount allotted to a State has not been made available to such State in a grant under section 306(a) because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallot such amount to States that meet such requirements.

"(e) CONTINUED AVAILABILITY OF FUNDS.—All funds allotted to a State for a fiscal year under this section, *and* made available to such State in a grant under section 306(a), [and]*shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are* not obligated by the State by the end of the *following* fiscal year shall be made available to the Secretary for discretionary activities under section 314. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 314, for not more than 1 year from the date on which the funds are made available to the Secretary.

"(f) DEFINITION.—In subsection (a)(2), the term 'State' does not include any jurisdiction specified in subsection (a)(1).

"SEC. 306. FORMULA GRANTS TO STATES.

[''(a) FORMULA GRANTS TO STATES.—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of family violence, domestic violence, and dating violence, to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents, and to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.]

''(a) FORMULA GRANTS TO STATES.—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

''(1) to prevent incidents of family violence, domestic violence, and dating violence;

''(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

''(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

''(b) ADMINISTRATIVE EXPENSES.—

''(1) ADMINISTRATIVE COSTS.—Each State may use not more than 5 percent of the grant funds for State administrative costs.

''(2) SUBGRANTS TO ELIGIBLE ENTITIES.—The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 308.

''(c) GRANT CONDITIONS.—

''(1) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

''(2) DISCRIMINATION PROHIBITED.—

''(A) APPLICATION OF CIVIL RIGHTS PROVISIONS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance.

''(B) PROHIBITION ON DISCRIMINATION ON BASIS OF SEX, RELIGION.—

''(i) IN GENERAL.—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

''(ii) ENFORCEMENT.—The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). Section 603 of such Act (42 U.S.C. 2000d–2) shall apply with respect to any action taken by the Secretary to enforce such clause.

''(iii) CONSTRUCTION.—This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

''(C) ENFORCEMENT AUTHORITIES OF SECRETARY.—Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or *the* tribally designated official *of the tribe involved* and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

''(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

''(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794(a)), or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

''(iii) take such other action as may be provided by law.

''(D) ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

''(3) INCOME ELIGIBILITY STANDARDS.—No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title. No fees may be levied for assistance or services provided with funds appropriated to carry out this title.

''(4) MATCH.—No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than $1 for every $5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

''(5) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families.

''(B) NONDISCLOSURE.—Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not—

''(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

''(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

''(I) shall be given by—

''(aa) the person, except as provided in item (bb) or (cc);

''(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

''(cc) in the case of an individual with a guardian, the individual's guardian; and

''(II) may not be given by the *abuser or* suspected abuser of the minor or individual with a guardian, or the *abuser or* suspected abuser of the other parent of the minor.

''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

''(i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

''(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

''(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

''(F) STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.—Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

''(G) PREEMPTION.—Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

''(H) CONFIDENTIALITY OF LOCATION.—The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

''(6) SUPPLEMENT NOT SUPPLANT.—Federal funds made available to a State or Indian tribe under this title shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to provide services and activities that promote the objectives of this title.

''(d) REPORTS AND EVALUATION.—Each [State] grantee shall submit an annual performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under [subsection (a)]*subsection (a) or section 309*, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 307. STATE APPLICATION.

''(a) APPLICATION.—

''(1) IN GENERAL.—The chief executive officer of a State seeking funds under section 306(a) or a tribally designated official seeking funds under section 309(a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

''(2) CONTENTS.—Each such application shall—

''(A) provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 306(c) and 308(d);

''(B) provide, with respect to funds described in paragraph (1), assurances that—

''(i) not more than 5 percent of such funds will be used for administrative costs;

''(ii) the remaining funds will be distributed to eligible entities as described in section 308(a) for approved activities as described in section 308(b); and

''(iii) in the distribution of funds by a State under section 308(a), the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

''(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

''(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

''(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

''(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 308(a) and the administration of the grant programs and projects;

''(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

''(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 308(b);

''(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, [or]*and* dating violence, that are carried out by the State or Indian tribe under this title, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

''(H) provide an assurance that the State or Indian tribe has a law or procedure that has been implemented for the eviction of an abusing spouse from a shared household; and

''(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this title.

''(b) APPROVAL OF APPLICATION.—

''(1) IN GENERAL.—The Secretary shall approve any application that meets the requirements of subsection (a) and section 306. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

''(2) CORRECTION OF DEFICIENCIES.—The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 306 have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds under section 306 to such State or under section 309 to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

''(3) STATE OR TRIBAL DOMESTIC VIOLENCE COALITION PARTICIPATION IN DETERMINATIONS OF COMPLIANCE.—State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 306(c), except that no funds made available under section 311 shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this title.

''(4) FAILURE TO REPORT; NONCONFORMING EXPENDITURES.—The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 306(d), or if funds are expended for purposes other than those set forth in section 306(b), after following the procedures set forth in paragraphs (1), (2), and (3).

''SEC. 308. SUBGRANTS AND USES OF FUNDS.

''(a) SUBGRANTS.—A State that receives a grant under section 306(a) shall use grant funds described in section 306(b)(2) to provide subgrants to eligible entities for programs and projects within such State, [to]*that is designed to* prevent incidents of family violence, domestic violence, and dating [violence and to provide immediate shelter, supportive services, or prevention services for adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, in order]*violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services* to prevent future incidents of family violence, domestic violence, and dating violence.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

''(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

''(B) assistance in [the development of]*developing* safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

''(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

''(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

''(E) provision of culturally and linguistically appropriate services;

''(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the [abused]*nonabusing* parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the *nonabusing* parent and child together;

''(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

''(i) assistance in accessing related Federal and State financial assistance programs;

''(ii) legal advocacy to assist victims *and their dependents*;

''(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

''(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

''(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

''(vi) parenting and other educational services for victims and their dependents; and

''(H) prevention services, including outreach to underserved populations.

''(2) SHELTER AND SUPPORTIVE SERVICES.—Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a subgrant from a State under this section, an entity shall be—

''(1) a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, [and]*or* dating violence; or

''(2) a partnership of 2 or more agencies or organizations that includes—

''(A) an agency or organization described in paragraph (1); and

''(B) an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

''(d) CONDITIONS.—

''(1) DIRECT PAYMENTS TO VICTIMS OR DEPENDANTS.—No funds provided under this title may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.

''(2) VOLUNTARILY ACCEPTED SERVICES.—Receipt of supportive services under this title shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

''SEC. 309. GRANTS FOR INDIAN TRIBES.

''(a) GRANTS AUTHORIZED.—The Secretary, in consultation with tribal governments pursuant to Executive Order 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

''(c) CONDITIONS.—Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 306.

''(d) GRANTEE APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 307 at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this title. The Secretary shall approve any application that meets requirements consistent with the requirements of section 306(c) and section 307(a).

''(e) USE OF FUNDS.—An amount provided under a grant to an eligible entity shall be used for the services described in section 308(b).

''SEC. 310. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE CENTERS.

''(a) PURPOSE AND GRANTS AUTHORIZED.—

''(1) PURPOSE.—The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this title to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

''(2) GRANTS AUTHORIZED.—From the amounts appropriated under this title and reserved under section 303(a)(2)(C), the Secretary—

''(A) shall award grants to eligible entities for the establishment and maintenance of—

''(i) 2 national resource centers (as provided for in subsection (b)(1)); *and*

''(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

[''(iii) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

[''(B) may award grants, to support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.]

''(B) may award grants, to—

''(i) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

''(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

''(b) DOMESTIC VIOLENCE RESOURCE CENTERS.—

''(1) NATIONAL RESOURCE CENTERS.—In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—

''(A) a National Resource Center on Domestic Violence, which shall—

''(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

''(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—

''(I) the incidence and prevention of family violence and domestic violence; and

''(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

''(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—

''(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note); and

''(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

''(2) SPECIAL ISSUE RESOURCE CENTERS.—In accordance with subsection [(a)(2)]*(a)(2)(A)(ii)*, the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

''(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

''(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

''(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

''(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

''(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts [in the response of domestic violence service providers to]*for* victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

''(3) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—

''(A) IN GENERAL.—In accordance with subsection (a)(2), the Secretary [shall]*may* award grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

''(B) REQUIREMENTS.—An eligible entity shall use a grant provided under this paragraph—

''(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent *of the total population of the State*;

''(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

''(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant under [paragraph (1)(A)]*subsection (b)(1)(A)* or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

''(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

''(B) includes on the entity's advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

''(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity's designation as a national resource center or a special issue resource center, as appropriate.

''(2) NATIONAL INDIAN RESOURCE CENTER.—To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

''(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(C) strong support for the entity's designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

''(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

''(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

''(3) SPECIAL ISSUE RESOURCE CENTERS CONCERNED WITH RACIAL AND ETHNIC MINORITY GROUPS.—To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

''(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and

''(B)(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

''(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

''(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

''(4) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—To be eligible to receive a grant under subsection (b)(3), an entity shall—

''(A)(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent *of the total population of the State*; or

[''(ii) be an Indian tribe or tribal organization Note: Mention Native Hawaiian communities or organizations in this paragraph? that focuses primarily on issues of domestic violence among Indians or an institution of higher education; and]

''(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

''(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

''(d) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 311. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

''(a) GRANTS.—The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

''(b) ALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—From the amount appropriated under section 303(a)(2)(D) for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and [the combined]*each of the covered* territories an amount equal to [1/53 of]*1/56 of* the amount so appropriated for such fiscal year.

''(2) DEFINITION.—For purposes of this subsection, the term ['combined]*covered* territories' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(c) APPLICATION.—Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation for the coalition's work, satisfactory to the Secretary, demonstrating that the coalition—

''(1) meets all of the applicable requirements set forth in this title; and

''(2) demonstrates the ability [to appropriately conduct]*to conduct appropriately* all activities described in this section, as indicated by—

''(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

''(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

''(d) USE OF FUNDS.—A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

''(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

''(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

''(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

''(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

''(5) encouraging appropriate responses to cases of family violence, domestic violence,

or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

''(6) working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

''(A) family violence, domestic violence, or dating violence is present; and

''(B) child abuse is present;

''(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

''(8) collaborating with Indian tribes and tribal organizations *(and corresponding Native Hawaiian groups or communities)* to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

''(e) LIMITATION ON USE OF FUNDS.—A coalition that receives a grant under this section shall not be required to use funds received under [this Act]*this title* for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

[''(1) using funds received under the Violence Against Women Act of 1994 for such purposes; and]

''(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and

''(2) coordinating the activities carried out by the coalition under subsection (d) with the State's activities under [the Violence Against Women Act of 1994]*part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.)* that address those purposes.

''(f) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

''(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

''(2) in connection with legislation or appropriations directly affecting the activities of the entity.

''(g) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''(h) INDIAN REPRESENTATIVES.—For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

''SEC. 312. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.

''(a) IN GENERAL.—

''(1) PROGRAM.—The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

''(2) GRANTS.—The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a local [agency or]*agency,* a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, [tribal organizations, and voluntary associations)]*and voluntary associations), or a tribal organization,* with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

''(c) APPLICATION.—An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

''(1) a description of how the entity will prioritize the safety of, and confidentiality of infor[mation about, victims of family violence, domestic violence, or dating violence and their children;]*mation about—*

''(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

''(B) children of victims described in subparagraph (A);

''(2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

''(3) a description of how the entity will ensure that professionals working with the children receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

''(d) USE OF FUNDS.—An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

''(1) shall use the funds made available through the grant—

''(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

''(B) to provide services for [abused]*nonabusing* parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

''(C) where appropriate, to provide the services described in this subsection while working with such [an abused]*a nonabusing* parent and child together; and

''(2) may use the funds made available through the grant—

''(A) to provide early childhood development and mental health services;

''(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

''(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

''(e) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 313. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

''(a) IN GENERAL.—The Secretary shall award a grant to a nonprofit private entity to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

''(b) TERM.—The Secretary shall award a grant under this section for a period of not more than 5 years.

''(c) CONDITIONS ON PAYMENT.—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

''(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

''(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

''(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

''(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

''(B) the hiring criteria and qualifications for hotline personnel;

''(C) the methods for the creation, maintenance, and updating of a resource database;

''(D) a plan for publicizing the availability of the hotline;

''(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability; [and]

''(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

''[(F) shall provide] *(G) a plan for providing* assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

''(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, [and dating]*or dating* violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

''(4) demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;

''(5) demonstrate the ability to provide information and referrals for callers, directly

connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;

''(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

''(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 306(c)(5) and follows comprehensive quality assurance practices; and

''(8) contain such other information as the Secretary may require.

''(e) HOTLINE ACTIVITIES.—

''(1) IN GENERAL.—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

''(2) ACTIVITIES.—In establishing and operating the hotline, the entity—

''(A) shall contract with a carrier for the use of a toll-free telephone line;

''(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

''(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

''(D) shall widely publicize the hotline throughout the United States, including to potential users;

''(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

''(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

''(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

''(H) at the discretion of the hotline operator, may provide [assistance or referrals for]*assistance, or referrals for counseling or intervention, for* identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an [accused abuser]*abuser or suspected abuser*.

''(f) REPORTS AND EVALUATION.—The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES (DELTA).

''(a) IN GENERAL.—The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

''(b) TERM.—The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

''(c) CONDITIONS ON PAYMENT.—The provision of payments under a cooperative agreement under this section shall be subject to—

''(1) annual approval by the Secretary; and

''(2) the availability of appropriations for each fiscal year to make the payments.

''(d) ELIGIBILITY.—To be eligible to enter into a cooperative agreement under this section, an organization shall—

''(1) be a State Domestic Violence Coalition; and

''(2) include representatives of pertinent sectors of the local community, which may include—

''(A) health care providers and State or local health departments;

''(B) the education community;

''(C) the faith-based community;

''(D) the criminal justice system;

''(E) family violence, domestic violence, and dating violence service program advocates;

''(F) human service entities such as State child services divisions;

''(G) business and civic leaders; and

''(H) other pertinent sectors.

''(e) APPLICATIONS.—An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that—

''(1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

''(2) demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

''(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of—

''(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

''(B) the method to be used for identification and selection of project staff and a project evaluator;

''(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

''(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

''(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

''(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

''(6) contains such other information, agreements, and assurances as the Secretary may require.

''(f) GEOGRAPHICAL DISPERSION.—The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

''(g) USE OF FUNDS.—

''(1) IN GENERAL.—An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

''(2) TECHNICAL ASSISTANCE, EVALUATION AND MONITORING.—The Secretary may use a portion of the funds provided under this section to—

''(A) provide technical assistance;

''(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

''(C) conduct an independent evaluation of the program carried out under this section.

''(3) REQUIREMENTS.—In establishing and operating a project under this section, an eligible organization shall—

''(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

''(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

''(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

''(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include—

''(i) educational workshops and seminars;

''(ii) training programs for professionals;

''(iii) the preparation of informational material;

''(iv) developmentally appropriate education programs;

''(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

''(vi) the dissemination of information about the results of programs conducted under this subparagraph;

''(E) utilize evidence-informed prevention program planning; and

''(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

''(h) REPORTS AND EVALUATION.—Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall

make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

SEC. 202. AMENDMENTS TO OTHER LAWS.

(a) TITLE 11, UNITED STATES CODE.—Section 707(b)(2)(A)(ii)(I) of title 11, United States Code, is amended in the 4th sentence by striking ''section 309 of the Family Violence Prevention and Services Act'' and inserting ''section 302 of the Family Violence Prevention and Services Act''.

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 635(c)(2)(G) of the Individuals with Disabilities Education Act (20 U.S.C. 1435(c)(2)(G)) is amended by striking ''section 320 of the Family Violence Prevention and Services Act'' and inserting ''section 302 of the Family Violence Prevention and Services Act''.

(c) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2001(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(2)(A)) is amended by striking ''through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)'' and inserting ''under section 311 of the Family Violence Prevention and Services Act''.

(d) VIOLENCE AGAINST WOMEN ACT OF 1994.—Section 40002(a)(26) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(26)) is amended by striking ''under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))'' and inserting ''under sections 302 and 311 of the Family Violence Prevention and Services Act''.

(e) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—The portion of section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) that pertains to the definition of the term ''prevention program'' is amended—

(1) in paragraph (20), by striking ''section 40211'' and inserting ''section 313 of the Family Violence Prevention and Services Act (relating to a hotline)'';

(2) in paragraph (22), by striking ''section 40241'' and inserting ''sections 301 through 312 of the Family Violence Prevention and Services Act''; and

(3) in paragraph (24), by striking ''section 40261'' and inserting ''section 314 of the Family Violence Prevention and Services Act (relating to community projects to prevent family violence, domestic violence, and dating violence)''.

TITLE III—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

SEC. 301. CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM.

(a) FINDINGS.—Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

⟦(1) in subsection (a)—

⟦(A) in paragraph (1)—

⟦(i) by striking ''565,000'' and inserting ''506,000''; and

⟦(ii) by striking ''2001'' and inserting ''2005''; and

⟦(B) in paragraph (5)(A), by striking ''131,000'' and inserting ''122,000''; and⟧

(1) by striking subsection (a) and inserting the following:

''(a) FINDINGS.—Congress finds that—

''(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings;

''(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster care brought them the additional trauma of separation from their homes and often their communities;

''(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care—

''(A) were born to mothers who did not receive prenatal care;

''(B) were born with life-threatening conditions or disabilities;

''(C) were born addicted to alcohol or other drugs; or

''(D) have HIV/AIDS;

''(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families;

''(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and

''(B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement;

''(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption;

''(B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption;

''(C)(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and

''(ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older; and

''(D)(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and

''(ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American;

''(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care;

''(8) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement and adoption; and

''(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children—

''(A) should not have medically indicated treatment withheld from them; or

''(B) be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''older children, minority children, and'' after ''particularly''; and

(B) by striking paragraph (2) and inserting the following:

''(2) maintain an Internet-based national adoption information exchange system to—

''(A) bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

''(B) conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

''(C) connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and''.

(b) INFORMATION AND SERVICES.—Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking all that follows ''facilitate the adoption of'' and inserting ''older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have life-threatening conditions, and services to couples considering adoption of children with special needs.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''and'' after ''regarding adoption'' and inserting a comma; and

(ii) by inserting '', and post-legal adoption services'' after ''adoption assistance programs'';

(B) in paragraph (2), by inserting '', including efforts to promote the adoption of older children, minority children, and children with special needs'' after ''national level'';

(C) in paragraph (7)—

(i) by striking ''study the efficacy of States contracting with'' and inserting ''increase the effective use of'';

(ii) by striking the comma after ''organizations)'' and inserting ''by States,'';

(iii) by inserting a comma after ''institutions''; and

(iv) by inserting '', including assisting in efforts to work with organizations that promote the placement of older children, minority children, and children with special needs'' after ''children for adoption'';

(D) in paragraph (9)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by adding ''and'' after the semicolon at the end; and

(iii) by adding at the end the following:

''(D) identify best practices to reduce adoption disruption and termination;''; and

(E) in paragraph (10)—

(i) in the matter preceding subparagraph (A), by inserting ''tribal child welfare agencies,'' after ''local government entities,''; and

(ii) in subparagraph (A)—

(I) in clause (ii), by inserting '', including developing and using procedures to notify family and relatives when a child enters the child welfare system'' before the semicolon at the end;

(II) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(III) by inserting after clause (vi) the following:

''(vii) education and training of prospective adoptive or adoptive parents;''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking the second sentence and all that follows; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the second sentence, by inserting '', consistent with the purpose of this title'' after ''by the Secretary''; and

(II) by striking the ⟦3rd⟧ third sentence and inserting the following: ''Each application shall contain information that—

''(i) describes how the State plans to improve the placement rate of children in permanent homes;

''(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;

''(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and

''(iv) describes how the State plans to coordinate activities under this subsection with relevant activities under section 473 of the Social Security Act (42 U.S.C. 673).'';

(ii) in subparagraph (B)(i), by inserting ''older children, minority children, and'' after ''successful placement of''; and

(iii) by adding at the end the following:

''(C) EVALUATION.—The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A)(iii)) and submit a report containing the compiled results to the appropriate committees of Congress.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

[(1) in paragraph (1), by striking ''$40,000,000'' and all that follows through ''2008'' and inserting ''$40,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015'';]

(1) in subsection (a)—

(A) by striking ''2004'' and inserting ''2010''; and

(B) by striking ''2005 through 2008'' and inserting ''2011 through 2015'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 203.''.

TITLE IV—ABANDONED INFANTS ASSISTANCE ACT OF 1988

SEC. 401. ABANDONED INFANTS ASSISTANCE.

(a) FINDINGS.—Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa) is amended—

(1) in paragraph (4), by striking ''including those'' and all that follows through '' 'AIDS')'' and inserting ''including those with HIV/AIDS''; and

(2) in paragraph (5), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''.

(b) REPEAL.—Title II of the Abandoned Infants Assistance Act of 1988 (Public Law 100–505; 102 Stat. 2536) is repealed.

[(a) EVALUATIONS, STUDY, AND REPORTS.—Section 102(b)(2) of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa–12(b)(2)) is amended by striking ''Keeping Children and Families Safe Act of 2003'' and inserting ''CAPTA Reauthorization Act of 2010''.]

(c) DEFINITIONS.—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa-21) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

[(b)](*d*) AUTHORIZATION OF APPROPRIATIONS.—Section 302 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa–22) is amended—

[(1) in subsection (a)(1), by striking ''$45,000,000'' and all that follows and inserting ''$45,000,000 for fiscal year 2011 and such sums as may be necessary for each of fiscal years 2012 through 2015.''; and]

(1) in subsection (a)(1)—

(A) by striking ''2004'' and inserting ''2010''; and

(B) by striking ''2005 through 2008'' and inserting ''2011 through 2015''; and

(2) in subsection (b)(2), by striking ''fiscal year 2003'' and inserting ''fiscal year 2010''.

Mr. DURBIN. I ask unanimous consent that the committee-reported amendments be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 3817), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''CAPTA Reauthorization Act of 2010''.

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) in fiscal year 2008, approximately 772,000 children were found by States to be victims of child abuse and neglect;'';

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''and close to ⅓ of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone'' after ''maltreatment''; and

(B) in subparagraph (B)—

(i) by striking ''60 percent'' and inserting ''71 percent'';

(ii) by striking ''2001'' and inserting ''fiscal year 2008'';

(iii) by striking ''19 percent'' and inserting ''16 percent'';

(iv) by striking ''10 percent'' and inserting ''9 percent''; and

(v) by striking ''and 7 percent suffered emotional maltreatment'' and inserting '', 7 percent suffered psychological maltreatment, 2 percent experienced medical neglect, and 9 percent were victims of other forms of maltreatment'';

(3) in paragraph (3)—

(A) in subparagraph (A) by inserting ''or neglect'' after ''abuse'';

(B) in subparagraph (B), by striking ''2001, an estimated 1,300'' and inserting ''fiscal year 2008, an estimated 1,740''; and

(C) in subparagraph (C)—

(i) by inserting ''in fiscal year 2008,'' after ''(C)'';

(ii) by striking ''41 percent'' and inserting ''45 percent'';

(iii) by striking ''85 percent'' and inserting ''72 percent'';

(iv) by striking ''6 years'' and inserting ''4 years''; and

(v) by striking ''abuse'' each place it appears and inserting ''maltreatment'';

(4) in paragraph (4)(B), by striking ''slightly'' and all that follows and inserting ''approximately 37 percent of victims of child abuse did not receive post-investigation services in fiscal year 2008;'';

(5) by redesignating paragraphs (5) through (13) as paragraphs (6) through (11) and (13) through (15), respectively;

(6) by inserting after paragraph (4) of this section the following:

''(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;'';

(7) in paragraph (6), as redesignated by paragraph (5) of this section—

(A) in subparagraph (A), by inserting ''domestic violence services,'' after ''mental health,''; and

(B) by amending subparagraph (E) to read as follows:

''(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;'';

(8) by inserting after paragraph (11), as redesignated by paragraph (5) of this section, the following:

''(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;'';

(9) in paragraphs (14) and (15), as redesignated by paragraph (5) of this section, by striking ''Federal government'' and inserting ''Federal Government''; and

(10) in paragraph (14), as redesignated by paragraph (5) of this section, by inserting ''and'' at the end.

Subtitle A—General Program

SEC. 111. ADVISORY BOARD.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking ''medicine (including pediatrics)'' and inserting ''health care providers (including pediatricians)'';

(B) in paragraph (12), by striking ''and'';

(C) in paragraph (13), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(14) Indian tribes or tribal organizations.''; and

(2) in subsection (f)—

(A) in paragraph (1), by inserting ''tribal,'' after ''State,'' each place such term appears; and

(B) in paragraph (2)—

(i) by striking ''abuse or neglect which'' and inserting ''child abuse or neglect which''; and

(ii) by striking ''Federal and State'' and inserting ''Federal, State, and tribal''.

SEC. 112. NATIONAL CLEARINGHOUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), by inserting ''and neglect'' before the period;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (4) through (7), respectively;

(B) by striking paragraph (1) and inserting the following:

''(1) maintain, coordinate, and disseminate information on effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for broad-scale implementation and replication;

''(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse and neglect;

''(3) maintain and disseminate information on best practices relating to differential response;'';

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by inserting ''and disseminate'' after ''maintain'';

(D) in paragraph (5), as redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (B), by inserting ''(42 U.S.C. 5105 note)'' before the semicolon; and

(ii) in subparagraph (C), by striking ''alcohol or drug'' and inserting ''substance'';

(E) in subparagraph (C) of paragraph (6), as redesignated by subparagraph (A) of this paragraph, by striking ''and'' at the end;

(F) in subparagraph (B) of paragraph (7), as redesignated by subparagraph (A) of this paragraph, by striking ''and child welfare personnel.'' and inserting ''child welfare,

substance abuse treatment services, and domestic violence services personnel; and''; and

(G) by adding at the end the following:

''(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.''; and

(3) in subsection (c)(1)—

(A) by striking subparagraph (B) and inserting the following:

''(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such clearinghouse and on the mechanisms for the sharing of such information with other Federal agencies and clearinghouses;'';

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting ''tribal,'' after ''State,'';

(ii) in clause (i), by striking ''and'' at the end; and

(iii) by adding at the end the following:

''(iii) information about the incidence and characteristics of child abuse and neglect in circumstances in which domestic violence is present; and

''(iv) information about the incidence and characteristics of child abuse and neglect in cases related to substance abuse;''; and

(C) in subparagraph (F), by striking ''abused or neglected children'' and inserting ''victims of child abuse or neglect''.

SEC. 113. RESEARCH AND ASSISTANCE ACTIVITIES.

(a) RESEARCH.—Section 104(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''from abuse or neglect and to improve the well-being of abused or neglected children'' and inserting ''from child abuse or neglect and to improve the well-being of victims of child abuse or neglect'';

(B) in subparagraph (B), by striking ''abuse and neglect on'' and inserting ''child abuse and neglect on'';

(C) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I), as subparagraphs (D), (E), (F), (H), (J), (N), and (O), respectively;

(D) by inserting after subparagraph (B) the following:

''(C) effective approaches to improving the relationship and attachment of infants and toddlers who experience child abuse or neglect with their parents or primary caregivers in circumstances where reunification is appropriate;'';

(E) in subparagraph (D), as redesignated by subparagraph (C) of this paragraph, by inserting ''and neglect'' before the semicolon;

(F) in subparagraph (E), as redesignated by subparagraph (C) of this paragraph—

(i) by inserting '', including best practices to meet the needs of special populations,'' after ''best practices''; and

(ii) by striking ''(12)'' and inserting ''(14)'';

(G) by inserting after subparagraph (F), as redesignated by subparagraph (C) of this paragraph, the following:

''(G) effective practices and programs to improve activities such as identification, screening, medical diagnosis, forensic diagnosis, health evaluations, and services, including activities that promote collaboration between—

''(i) the child protective service system; and

''(ii)(I) the medical community, including providers of mental health and developmental disability services; and

''(II) providers of early childhood intervention services and special education for children who have been victims of child abuse or neglect;'';

(H) by inserting after subparagraph (H), as redesignated by subparagraph (C) of this paragraph, the following:

''(I) effective collaborations, between the child protective system and domestic violence service providers, that provide for the safety of children exposed to domestic violence and their nonabusing parents and that improve the investigations, interventions, delivery of services, and treatments provided for such children and families;'';

(I) in subparagraph (J), as redesignated by subparagraph (C) of this paragraph, by striking ''low income'' and inserting ''low-income'';

(J) by inserting after subparagraph (J), as redesignated by subparagraph (C) of this paragraph, the following:

''(K) the impact of child abuse and neglect on the incidence and progression of disabilities;

''(L) the nature and scope of effective practices relating to differential response, including an analysis of best practices conducted by the States;

''(M) child abuse and neglect issues facing Indians, Alaska Natives, and Native Hawaiians, including providing recommendations for improving the collection of child abuse and neglect data from Indian tribes and Native Hawaiian communities;'';

(K) in subparagraph (N), as redesignated by subparagraph (C) of this paragraph, by striking ''clauses (i) through (xi) of subparagraph (H)'' and inserting ''clauses (i) through (x) of subparagraph (O)''; and

(L) in subparagraph (O), as redesignated by subparagraph (C) of this paragraph—

(i) in clauses (i) and (ii), by inserting ''and neglect'' after ''abuse'';

(ii) in clause (v), by striking ''child abuse have'' and inserting ''child abuse and neglect have''; and

(iii) in clause (x), by striking ''abuse'' and inserting ''child abuse and neglect'';

(2) in paragraph (2), by striking ''subparagraphs'' and all that follows and inserting ''clauses (i) through (x) of paragraph (1)(O).'';

(3) in paragraph (3), by striking ''Keeping Children and Families Safe Act of 2003'' and inserting ''CAPTA Reauthorization Act of 2010'';

(4) in paragraph (4)—

(A) by striking ''(A) The'' and inserting the following:

''(A) IN GENERAL.—The''; and

(B) in subparagraph (B)—

(i) by striking all that precedes ''later'' and inserting the following:

''(B) PUBLIC COMMENT.—Not'';

(ii) by striking ''than 2'' and inserting ''than 1''; and

(iii) by striking ''Keeping Children and Families Safe Act of 2003'' and inserting ''CAPTA Reauthorization Act of 2010''; and

(5) by adding at the end the following:

''(4) STUDY ON SHAKEN BABY SYNDROME.—The Secretary shall conduct a study that—

''(A) identifies data collected on shaken baby syndrome;

''(B) determines the feasibility of collecting uniform, accurate data from all States regarding—

''(i) incidence rates of shaken baby syndrome;

''(ii) characteristics of perpetrators of shaken baby syndrome, including age, gender, relation to victim, access to prevention materials and resources, and history of substance abuse, domestic violence, and mental illness; and

''(iii) characteristics of victims of shaken baby syndrome, including gender, date of birth, date of injury, date of death (if applicable), and short- and long-term injuries sustained.''.

(b) TECHNICAL ASSISTANCE.—Section 104(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(b)) is amended—

(1) in paragraph (1), by inserting ''and providers of mental health, substance abuse treatment, and domestic violence prevention services'' after ''disabilities''; and

(2) in paragraph (3)(B)—

(A) by striking ''and child welfare personnel'' and inserting ''child welfare, substance abuse, and domestic violence services personnel''; and

(B) by striking ''subjected to abuse.'' and inserting ''subjected to, or whom the personnel suspect have been subjected to, child abuse or neglect.''.

(c) PEER REVIEW FOR GRANTS AND CONTRACTS.—Section 104(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(d)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) IN GENERAL.—To enhance the quality and usefulness of research in the field of child abuse and neglect, the Secretary shall, in consultation with experts in the field and other Federal agencies, establish a formal, rigorous, and meritorious peer review process for purposes of evaluating and reviewing applications for assistance through a grant or contract under this section and determining the relative merits of the project for which such assistance is requested.''; and

(B) by striking subparagraph (B) and inserting the following:

''(B) MEMBERS.—In establishing the process required by subparagraph (A), the Secretary shall only appoint to the peer review panels members who—

''(i) are experts in the field of child abuse and neglect or related disciplines, with appropriate expertise related to the applications to be reviewed; and

''(ii) are not individuals who are officers or employees of the Administration for Children and Families.

''(C) MEETINGS.—The peer review panels shall meet as often as is necessary to facilitate the expeditious review of applications for grants and contracts under this section, but shall meet not less often than once a year.

''(D) CRITERIA AND GUIDELINES.—The Secretary shall ensure that the peer review panel utilizes scientifically valid review criteria and scoring guidelines in the review of the applications for grants and contracts.''; and

(2) in paragraph (3)—

(A) by striking ''(A) The'' and inserting the following:

''(A) MERITORIOUS PROJECTS.—The''; and

(B) in subparagraph (B), by striking all that precedes ''the instance'' and inserting the following:

''(B) EXPLANATION.—In''.

(d) DEMONSTRATION PROGRAMS AND PROJECTS.—Section 104(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105(e)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking ''States or'' and inserting ''entities that are States, Indian tribes or tribal organizations, or''; and

(B) by striking ''such agencies or organizations'' and inserting ''such entities'';

(2) in paragraph (1)(B), by striking ''safely facilitate the'' and inserting ''facilitate the safe''; and

(3) in paragraph (2)—

(A) by inserting ''child care and early childhood education and care providers,'' after ''in cooperation with''; and

(B) by striking ''preschool'' and inserting ''preschools,''.

SEC. 114. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended—

(1) in the heading, by striking ''**STATES**'' and inserting ''**STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS,**''

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''States,'' and inserting ''entities that are States, Indian tribes or tribal organizations, or''; and

(ii) by striking ''such agencies or organizations'' and inserting ''such entities'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''this section'' and inserting ''this subsection'';

(ii) in subparagraph (A)—

(I) by inserting ''health care,'' before ''medicine,'';

(II) by inserting ''child care,'' after ''education,''; and

(III) by inserting ''and neglect'' before the semicolon;

(iii) in subparagraph (B), by inserting a comma after ''youth'';

(iv) in subparagraph (D)—

(I) by striking ''support the enhancement of linkages between'' and inserting ''enhance linkages among'';

(II) by striking ''including physical'' and all that follows through ''partnerships'' and inserting ''entities providing physical and mental health services, community resources, and developmental disability agencies, to improve screening, forensic diagnosis, and health and developmental evaluations, and for partnerships''; and

(III) by striking ''offer creative approaches to using'' and inserting ''support the coordinated use of'';

(v) by redesignating subparagraphs (E) through (J) as subparagraphs (F), (G), and (I) through (L), respectively;

(vi) by inserting after subparagraph (D) the following:

''(E) for the training of personnel in best practices to meet the unique needs of children with disabilities, including promoting interagency collaboration;'';

(vii) by inserting after subparagraph (G), as redesignated by clause (v) of this subparagraph, the following:

''(H) for the training of personnel in childhood development including the unique needs of children under age 3;'';

(viii) in subparagraph (J), as redesignated by clause (v) of this subparagraph, by striking ''and other public and private welfare agencies'' and inserting ''other public and private welfare agencies, and agencies that provide early intervention services'';

(ix) in subparagraph (K), as redesignated by clause (v) of this subparagraph, by striking ''and'' at the end;

(x) in subparagraph (L), as redesignated by clause (v) of this subparagraph—

(I) by striking ''disabled infants'' each place it appears and inserting ''infants or toddlers with disabilities''; and

(II) by striking the period and inserting ''; and''; and

(xi) by adding at the end the following:

''(M) for the training of personnel in best practices relating to the provision of differential response.'';

(C) in paragraph (2)(C), by striking ''where'' and inserting ''when'';

(D) in paragraph (3), by inserting '', leadership,'' after ''mutual support'';

(E) in paragraph (4), by striking all that precedes ''Secretary'' and inserting the following:

''(4) KINSHIP CARE.—The'';

(F) in paragraph (4), by striking ''in not more than 10 States'';

(G) in paragraph (5)—

(i) in the paragraph heading—

(I) by striking ''BETWEEN'' and inserting ''AMONG''; and

(II) by striking ''AND DEVELOPMENTAL DISABILITIES'' and inserting ''SUBSTANCE ABUSE, DEVELOPMENTAL DISABILITIES, AND DOMESTIC VIOLENCE SERVICE'';

(ii) by striking ''between'' and inserting ''among'';

(iii) by striking ''mental health'' and all that follows through '', for'' and inserting ''mental health, substance abuse, developmental disabilities, and domestic violence service agencies, and entities that carry out community-based programs, for''; and

(iv) by striking ''help assure'' and inserting ''ensure''; and

(H) by inserting after paragraph (5) the following:

''(6) COLLABORATIONS BETWEEN CHILD PROTECTIVE SERVICE ENTITIES AND DOMESTIC VIOLENCE SERVICE ENTITIES.—The Secretary may award grants to public or private agencies and organizations under this section to develop or expand effective collaborations between child protective service entities and domestic violence service entities to improve collaborative investigation and intervention procedures, provision for the safety of the nonabusing parent involved and children, and provision of services to children exposed to domestic violence that also support the caregiving role of the non-abusing parent.''; and

(3) in subsection (b)(4)—

(A) in subparagraph (A)(ii), by striking ''neglected or abused'' and inserting ''victims of child abuse or neglect'';

(B) in subparagraphs (B)(ii) and (C)(iii), by striking ''abuse or neglect'' and inserting ''child abuse and neglect'';

(C) in subparagraph (C)(iii), by striking ''been neglected or abused'' and inserting ''been a victim of child abuse or neglect''; and

(D) in subparagraph (D), by striking ''a'' after ''grantee is'' and inserting ''an''.

SEC. 115. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

(a) SECTION HEADING.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by striking the section heading and inserting the following:

''SEC. 106. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.''.

(b) DEVELOPMENT AND OPERATION GRANTS.—Section 106(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''based on'' and all that follows through ''18 in'' and inserting ''from allotments made under subsection (f) for'';

(2) in paragraph (1), by striking ''abuse and neglect'' and inserting ''child abuse or neglect'';

(3) in paragraph (2)—

(A) in subparagraph (A), by inserting '', intra-agency, interstate, and intrastate'' after ''interagency''; and

(B) in subparagraph (B)(i), by striking ''abuse and neglect'' and inserting ''child abuse or neglect'';

(4) in paragraph (4), by inserting '', including the use of differential response'' after ''protocols'';

(5) in paragraph (6)—

(A) in subparagraph (A) by inserting '', including the use of differential response,'' after ''strategies'';

(B) in subparagraph (B), by striking ''and'' at the end;

(C) in subparagraph (C), by striking ''workers'' and all that follows and inserting ''workers; and''; and

(D) by adding at the end the following:

''(D) training in early childhood, child, and adolescent development;'';

(6) by striking paragraphs (8) and (9) and inserting the following:

''(8) developing, facilitating the use of, and implementing research-based strategies and training protocols for individuals mandated to report child abuse and neglect;'';

(7) by redesignating paragraphs (10) through (14) as paragraphs (9) through (13), respectively;

(8) in paragraph (9), as redesignated by paragraph (7) of this subsection—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(D) the use of differential response in preventing child abuse and neglect;'';

(9) in paragraph (10), as redesignated by paragraph (7) of this subsection, by inserting '', including the use of differential response'' before the semicolon;

(10) in paragraph (12), as redesignated by paragraph (7) of this subsection, by striking ''or'' at the end;

(11) in paragraph (13), as redesignated by paragraph (7) of this subsection—

(A) by striking ''supporting and enhancing'' and all that follows through ''community-based programs'' and inserting ''supporting and enhancing interagency collaboration among public health agencies, agencies in the child protective service system, and agencies carrying out private community-based programs—'';

(B) by striking ''to provide'' and inserting the following:

''(A) to provide'';

(C) by striking ''systems) and'' and inserting ''systems), and the use of differential response; and'';

(D) by striking ''to address'' and inserting the following:

''(B) to address'';

(E) by striking ''abused or neglected'' and inserting ''victims of child abuse or neglect;''and

(F) by striking the period at the end and inserting ''; or''; and

(12) by adding at the end the following:

''(14) developing and implementing procedures for collaboration among child protective services, domestic violence services, and other agencies in—

''(A) investigations, interventions, and the delivery of services and treatment provided to children and families, including the use of differential response, where appropriate; and

''(B) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.''.

(c) ELIGIBILITY REQUIREMENTS.—Section 106(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) STATE PLAN.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit to the Secretary a State plan that specifies the areas of the child protective services system described in subsection (a) that the State will address with amounts received under the grant.

''(B) DURATION OF PLAN.—Each State plan shall—

''(i) remain in effect for the duration of the State's participation under this section; and

''(ii) be periodically reviewed and revised as necessary by the State to reflect changes

in the State's strategies and programs under this section.

''(C) ADDITIONAL INFORMATION.—The State shall provide notice to the Secretary—

''(i) of any substantive changes, including any change to State law or regulations, relating to the prevention of child abuse and neglect that may affect the eligibility of the State under this section; and

''(ii) of any significant changes in how funds provided under this section are used to support activities described in this section, which may differ from the activities described in the current State application.'';

(2) in paragraph (2)—

(A) by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively;

(B) by striking the matter preceding subparagraph (B), as redesignated by subparagraph (A) of this paragraph, and inserting the following:

''(2) CONTENTS.—A State plan submitted under paragraph (1) shall contain a description of the activities that the State will carry out using amounts received under the grant to achieve the objectives of this title, including—

''(A) an assurance that the State plan, to the maximum extent practicable, is coordinated with the State plan under part B of title IV of the Social Security Act (42 U.S.C. 621 et seq.) relating to child welfare services and family preservation and family support services;'';

(C) in subparagraph (B), as redesignated by subparagraph (A) of this paragraph—

(i) in the matter preceding clause (i)—

(I) by striking ''chief executive officer'' and inserting ''Governor''; and

(II) by striking ''Statewide'' and inserting ''statewide'';

(ii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by inserting ''with'' after ''born''; and

(bb) by inserting ''or a Fetal Alcohol Spectrum Disorder,'' after ''drug exposure,''; and

(II) in subclause (I), by inserting ''or neglect'' before the semicolon;

(iii) in clause (iii), by inserting '', or a Fetal Alcohol Spectrum Disorder'' before the semicolon;

(iv) in clause (v), by inserting '', including the use of differential response,'' after ''procedures'';

(v) in clause (vi)—

(I) by striking ''the abused or neglected child'' and inserting ''a victim of child abuse or neglect''; and

(II) by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(vi) in clause (ix), by striking ''abuse and neglect'' and inserting ''child abuse and neglect'';

(vii) in clause (xi), by striking ''or neglect'' and inserting ''and neglect'';

(viii) in clause (xiii)—

(I) by striking ''an abused or neglected child'' and inserting ''a victim of child abuse or neglect''; and

(II) by inserting ''including training in early childhood, child, and adolescent development,'' after ''to the role,'';

(ix) in clause (xv)(II), by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(x) in clause (xviii), by striking ''abuse and'' and inserting ''abuse or'';

(xi) in clause (xvi)—

(I) in subclause (III), by striking ''; or'' and inserting '';''; and

(II) by adding at the end the following:

''(V) to have committed sexual abuse against the surviving child or another child of such parent; or

''(VI) to be required to register with a sex offender registry under section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16913(a));'';

(xii) in clause (xxi), by striking ''Act; and'' and inserting ''Act (20 U.S.C. 1431 et seq.);'';

(xiii) in clause (xxii)—

(I) by striking ''not later'' through ''2003,'';

(II) by inserting ''that meet the requirements of section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20))'' after ''checks''; and

(III) by adding ''and'' at the end; and

(xiv) by adding at the end the following:

''(xxiii) provisions for systems of technology that support the State child protective service system described in subsection (a) and track reports of child abuse and neglect from intake through final disposition;'';

(D) in subparagraph (C), as redesignated by subparagraph (A) of this paragraph—

(i) by striking ''disabled infants with'' each place it appears and inserting ''infants with disabilities who have''; and

(ii) in clause (iii), by striking ''life threatening'' and inserting ''life-threatening'';

(E) in subparagraph (D), as redesignated by subparagraph (A) of this paragraph—

(i) in clause (ii), by striking ''and'' at the end;

(ii) in clause (iii), by striking ''and'' at the end;

(iii) by adding at the end the following:

''(iv) policies and procedures encouraging the appropriate involvement of families in decisionmaking pertaining to children who experienced child abuse or neglect;

''(v) policies and procedures that promote and enhance appropriate collaboration among child protective service agencies, domestic violence service agencies, substance abuse treatment agencies, and other agencies in investigations, interventions, and the delivery of services and treatment provided to children and families affected by child abuse or neglect, including children exposed to domestic violence, where appropriate; and

''(vi) policies and procedures regarding the use of differential response, as applicable;'';

(F) in subparagraph (E), as redesignated by subparagraph (A) of this paragraph—

(i) by inserting ''(42 U.S.C. 621 et seq.)'' after ''Act''; and

(ii) by striking the period at the end and inserting a semicolon;

(G) by inserting after subparagraph (E), as redesignated by subparagraph (A) of this paragraph, the following:

''(F) an assurance or certification that programs and training conducted under this title address the unique needs of unaccompanied homeless youth, including access to enrollment and support services and that such youth are eligible for under parts B and E of title IV of the Social Security Act (42 U.S.C. 621 et seq., 670 et seq.) and meet the requirements of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); and

''(G) an assurance that the State, in developing the State plan described in paragraph (1), has collaborated with community-based prevention agencies and with families affected by child abuse or neglect.''; and

(H) in the last sentence, by striking ''subparagraph (A)'' and inserting ''subparagraph (B)''; and

(3) in paragraph (3), by striking ''paragraph (2)(A)'' and inserting ''paragraph (2)(B)''.

(d) CITIZEN REVIEW PANELS.—Section 106(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(c)) is amended—

(1) in paragraph (2), by inserting before the period the following: '', and may include adult former victims of child abuse or neglect''; and

(2) in paragraph (4)(A)(iii)(I), by inserting ''(42 U.S.C. 670 et seq.)'' before the semicolon.

(e) ANNUAL STATE DATA REPORTS.—Section 106(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(d)) is amended—

(1) in paragraph (1), by striking ''as abused or neglected'' and inserting ''as victims of child abuse or neglect'';

(2) in paragraph (4), by inserting '', including use of differential response,'' after ''services'';

(3) by striking paragraph (7) and inserting the following:

''(7)(A) The number of child protective service personnel responsible for the—

''(i) intake of reports filed in the previous year;

''(ii) screening of such reports;

''(iii) assessment of such reports; and

''(iv) investigation of such reports.

''(B) The average caseload for the workers described in subparagraph (A).'';

(4) in paragraph (9), by striking ''abuse or neglect'' and inserting ''child abuse or neglect'';

(5) by striking paragraph (10) and inserting the following:

''(10) For child protective service personnel responsible for intake, screening, assessment, and investigation of child abuse and neglect reports in the State—

''(A) information on the education, qualifications, and training requirements established by the State for child protective service professionals, including for entry and advancement in the profession, including advancement to supervisory positions;

''(B) data on the education, qualifications, and training of such personnel;

''(C) demographic information of the child protective service personnel; and

''(D) information on caseload or workload requirements for such personnel, including requirements for average number and maximum number of cases per child protective service worker and supervisor.'';

(6) in paragraph (11), by striking ''and neglect'' and inserting ''or neglect''; and

(7) by adding at the end the following:

''(15) The number of children referred to a child protective services system under subsection (b)(2)(B)(ii).

''(16) The number of children determined to be eligible for referral, and the number of children referred, under subsection (b)(2)(B)(xxi), to agencies providing early intervention services under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).''.

(f) ANNUAL REPORT.—Section 106(e) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a(e)) is amended by inserting ''and neglect'' before the period.

(g) FORMULA.—Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended by adding at the end the following:

''(f) ALLOTMENTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) FISCAL YEAR 2009 GRANT FUNDS.—The term 'fiscal year 2009 grant funds' means the amount appropriated under section 112 for fiscal year 2009, and not reserved under section 112(a)(2).

''(B) GRANT FUNDS.—The term 'grant funds' means the amount appropriated under section 112 for a fiscal year and not reserved under section 112(a)(2).

''(C) STATE.—The term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(D) TERRITORY.—The term 'territory' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(2) IN GENERAL.—Except as otherwise provided in this section, the Secretary shall make allotments to each State and territory

that applies for a grant under this section in an amount equal to the sum of—

''(A) $50,000; and

''(B) an amount that bears the same relationship to any grant funds remaining after all such States and territories have received $50,000, as the number of children under the age of 18 in the State or territory bears to the number of such children in all States and territories that apply for such a grant.

''(3) ALLOTMENTS FOR DECREASED APPROPRIATION YEARS.—In the case where the grant funds for a fiscal year are less than the fiscal year 2009 grant funds, the Secretary shall ratably reduce each of the allotments under paragraph (2) for such fiscal year.

''(4) ALLOTMENTS FOR INCREASED APPROPRIATION YEARS.—

''(A) MINIMUM ALLOTMENTS TO STATES FOR INCREASED APPROPRIATIONS YEARS.—In any fiscal year for which the grant funds exceed the fiscal year 2009 grant funds by more than $1,000,000, the Secretary shall adjust the allotments under paragraph (2), as necessary, such that no State that applies for a grant under this section receives an allotment in an amount that is less than—

''(i) $100,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by more than $1,000,000 but less than $2,000,000;

''(ii) $125,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least $2,000,000 but less than $3,000,000; and

''(iii) $150,000, for a fiscal year in which the grant funds exceed the fiscal year 2009 grant funds by at least $3,000,000.

''(B) ALLOTMENT ADJUSTMENT.—In the case of a fiscal year for which subparagraph (A) applies and the grant funds are insufficient to satisfy the requirements of such subparagraph (A), paragraph (2), and paragraph (5), the Secretary shall, subject to paragraph (5), ratably reduce the allotment of each State for which the allotment under paragraph (2) is an amount that exceeds the applicable minimum under subparagraph (A), as necessary to ensure that each State receives the applicable minimum allotment under subparagraph (A).

''(5) HOLD HARMLESS.—Notwithstanding paragraphs (2) and (4), except as provided in paragraph (3), no State or territory shall receive a grant under this section in an amount that is less than the amount such State or territory received under this section for fiscal year 2009.''.

SEC. 116. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended—

(1) in subsection (a)—

(A) by striking paragraphs (1) and (2) and inserting the following:

''(1) the assessment and investigation of suspected child abuse and neglect cases, including cases of suspected child sexual abuse and exploitation, in a manner that limits additional trauma to the child and the child's family;

''(2) the assessment and investigation of cases of suspected child abuse-related fatalities and suspected child neglect-related fatalities;'';

(B) in paragraph (3), by striking ''particularly'' and inserting ''including''; and

(C) in paragraph (4)—

(i) by striking ''the handling'' and inserting ''the assessment and investigation''; and

(ii) by striking ''victims of abuse'' and inserting ''suspected victims of child abuse'';

(2) in subsection (b)(1), by striking ''section 107(b)'' and inserting ''section 106(b)'';

(3) in subsection (c)(1)—

(A) in subparagraph (G), by striking ''and'' at the end;

(B) in subparagraph (H), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(I) adult former victims of child abuse or neglect; and

''(J) individuals experienced in working with homeless children and youths (as defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).'';

(4) in subsection (d)(1), by striking ''particularly'' and inserting ''including'';

(5) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''particularly'' and inserting ''including'';

(B) in subparagraph (B)—

(i) by inserting a comma after ''model''; and

(ii) by striking ''improve the rate'' and all that follows through ''child sexual abuse cases'' and inserting the following: ''improve the prompt and successful resolution of civil and criminal court proceedings or enhance the effectiveness of judicial and administrative action in child abuse and neglect cases, particularly child sexual abuse and exploitation cases, including the enhancement of performance of court-appointed attorneys and guardians ad litem for children''; and

(C) in subparagraph (C)—

(i) by inserting a comma after ''protocols'';

(ii) by striking ''from abuse'' and inserting ''from child abuse and neglect''; and

(iii) by striking ''particularly'' and inserting ''including''; and

(6) in subsection (f), by inserting ''(42 U.S.C. 10603a)'' after ''1984''.

SEC. 117. MISCELLANEOUS REQUIREMENTS.

Section 108(d) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d(d)) is amended to read as follows:

''(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should encourage all States and public and private entities that receive assistance under this title to—

''(1) ensure that children and families with limited English proficiency who participate in programs under this title are provided with materials and services through such programs in an appropriate language other than English; and

''(2) ensure that individuals with disabilities who participate in programs under this title are provided with materials and services through such programs that are appropriate to their disabilities.''.

SEC. 118. REPORTS.

(a) IN GENERAL.—Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended by striking subsections (a) and (b) and inserting the following:

''(a) COORDINATION EFFORTS.—Not later than 1 year after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on efforts to coordinate the objectives and activities of agencies and organizations that are responsible for programs and activities related to child abuse and neglect. Not later than 3 years after that date of enactment, the Secretary shall submit to those committees a second report on such efforts during the 3-year period following that date of enactment. Not later than 5 years after that date of enactment, the Secretary shall submit to those committees a third report on such efforts during the 5-year period following that date of enactment.

''(b) EFFECTIVENESS OF STATE PROGRAMS AND TECHNICAL ASSISTANCE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010 and every 2 years thereafter, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report evaluating the effectiveness of programs receiving assistance under section 106 in achieving the objectives of section 106.''.

(b) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—Section 110(c) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f(c)) is amended to read as follows:

''(c) STUDY AND REPORT RELATING TO CITIZEN REVIEW PANELS.—

''(1) IN GENERAL.—The Secretary shall conduct a study to determine the effectiveness of citizen review panels, established under section 106(c), in achieving the stated function of such panels under section 106(c)(4)(A) of—

''(A) examining the policies, procedures, and practices of State and local child protection agencies; and

''(B) evaluating the extent to which such State and local child protection agencies are fulfilling their child protection responsibilities, as described in clauses (i) through (iii) of section 106(c)(4)(A).

''(2) CONTENT OF STUDY.—The study described in paragraph (1) shall be completed in a manner suited to the unique design of citizen review panels, including consideration of the variability among the panels within and between States. The study shall include the following:

''(A) Data describing the membership, organizational structure, operation, and administration of all citizen review panels and the total number of such panels in each State.

''(B) A detailed summary of the extent to which collaboration and information-sharing occurs between citizen review panels and State child protective services agencies or any other entities or State agencies. The summary shall include a description of the outcomes that result from collaboration and information sharing.

''(C) Evidence of the adherence and responsiveness to the reporting requirements under section 106(c)(6) by citizen review panels and States.

''(3) REPORT.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2010, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains the results of the study conducted under paragraph (1).''.

SEC. 119. DEFINITIONS.

Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g) is amended—

(1) in paragraph (5)—

(A) by inserting ''except as provided in section 106(f),'' after ''(5)'';

(B) by inserting ''and'' after ''Samoa,''; and

(C) by striking ''and the Trust Territory of the Pacific Islands'';

(2) in paragraph (6)(C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

''(7) the term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602);

''(8) the term 'infant or toddler with a disability' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432);

''(9) the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(10) the term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517); and

''(11) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).''.

SEC. 120. AUTHORIZATION OF APPROPRIATIONS.

Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended—

(1) by striking ''2004'' and inserting ''2010''; and

(2) by striking ''2005 through 2008'' and inserting ''2011 through 2015''.

SEC. 121. RULE OF CONSTRUCTION.

Section 113(a)(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106i(a)(2)) is amended by striking ''abuse or neglect'' and inserting ''child abuse or neglect''.

Subtitle B—Community-Based Grants for the Prevention of Child Abuse or Neglect

SEC. 131. TITLE HEADING.

The title heading of title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended to read as follows:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT''.

SEC. 132. PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended—

(1) by striking subsection (a)(1) and inserting the following:

''(1) to support community-based efforts to develop, operate, expand, enhance, and coordinate initiatives, programs, and activities to prevent child abuse and neglect and to support the coordination of resources and activities, to better strengthen and support families to reduce the likelihood of child abuse and neglect; and''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''hereafter'';

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting a comma after ''expanding''; and

(II) by striking ''(through networks where appropriate)'';

(ii) in subparagraph (E), by inserting before the semicolon the following: '', including access to such resources and opportunities for unaccompanied homeless youth''; and

(iii) by striking subparagraph (G) and inserting the following:

''(G) demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out local programs funded under this title, including involvement of parents of children with disabilities, parents who are individuals with disabilities, racial and ethnic minorities, and members of other underrepresented or underserved groups; and'';

(C) in paragraph (2), by inserting after ''children and families'' the following: '', including unaccompanied homeless youth,'';

(D) in paragraph (3)—

(i) by inserting ''substance abuse treatment services, domestic violence services,'' after ''mental health services,'';

(ii) by striking ''family resource and support program'' and inserting ''community-based child abuse and neglect prevention program''; and

(iii) by striking ''community-based family resource and support program'' and inserting ''community-based child abuse and neglect prevention programs''; and

(E) in paragraph (4)—

(i) by inserting ''and reporting'' after ''information management'';

(ii) by striking the comma after ''prevention-focused''; and

(iii) by striking ''(through networks where appropriate)''.

SEC. 133. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) by striking ''chief executive officer'' each place it appears and inserting ''Governor''; and

(B) by inserting a comma after ''enhance'';

(2) in paragraphs (1), (2), and (3), by striking ''(through networks where appropriate)'' each place it appears;

(3) in paragraphs (2) and (3), in the matter preceding subparagraph (A), by striking ''chief executive officer'' and inserting ''Governor''; and

(4) in paragraph (2)—

(A) in subparagraphs (A) and (B), by inserting ''adult former victims of child abuse or neglect,'' after ''parents,''; and

(B) in subparagraph (C), by inserting a comma after ''State''.

SEC. 134. AMOUNT OF GRANT.

Section 203(b)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b(b)(1))—

(1) in subparagraph (A), by striking all that precedes ''70'' and inserting the following:

''(A) 70 PERCENT.—''; and

(2) in subparagraph (B), by striking all that precedes ''30'' and inserting the following:

''(B) 30 PERCENT.—''.

SEC. 135. APPLICATION.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in paragraphs (1) and (2), by striking ''(through networks where appropriate)'';

(2) in paragraph (2)—

(A) by striking ''and how family resource and support'' and inserting '', including how community-based child abuse and neglect prevention''; and

(B) by striking ''services provided'' and inserting ''programs provided'';

(3) in paragraph (4), by inserting a comma after ''operation'';

(4) in paragraph (6)—

(A) by striking ''an assurance that the State has the'' and inserting ''a description of the State's''; and

(B) by striking ''consumers and'' and inserting ''consumers, of family advocates, and of adult former victims of child abuse or neglect,'';

(5) in paragraph (7), by inserting a comma after ''expansion'';

(6) in paragraph (8)—

(A) by striking ''and activities''; and

(B) by inserting after ''homelessness,'' the following: ''unaccompanied homeless youth,'';

(7) in paragraph (9), by inserting a comma after ''training''; and

(8) in paragraph (11), by inserting a comma after ''procedures''.

SEC. 136. LOCAL PROGRAM REQUIREMENTS.

(a) IN GENERAL.—Section 206(a) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(a)) is amended—

(1) in the matter preceding paragraph (1), by inserting a comma after ''expand'';

(2) in paragraph (1)—

(A) by striking ''parents and'' and inserting ''parents,''; and

(B) by inserting ''in meaningful roles'' before the semicolon;

(3) in paragraph (2)—

(A) by striking ''a strategy to provide, over time,'' and inserting ''a comprehensive strategy to provide'';

(B) by striking ''family centered'' and inserting ''family-centered''; and

(C) by striking ''and parents with young children,'' and inserting '', to parents with young children, and to parents who are adult former victims of domestic violence or child abuse or neglect,'';

(4) in paragraph (3)—

(A) by striking all that precedes subparagraph (C) and inserting the following:

''(3)(A) provide for core child abuse and neglect prevention services, which may be provided directly by the local recipient of the grant funds or through grants or agreements with other local agencies, such as—

''(i) parent education, mutual support and self help, and parent leadership services;

''(ii) respite care services;

''(iii) outreach and followup services, which may include voluntary home visiting services; and

''(iv) community and social service referrals; and''; and

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking ''(C)'' and inserting ''(B) provide'';

(ii) by striking clause (ii) and inserting the following:

''(ii) child care, early childhood education and care, and intervention services;'';

(iii) in clause (iii), by inserting ''and parents who are individuals with disabilities'' before the semicolon;

(iv) in clause (v), by striking ''scholastic tutoring'' and inserting ''academic tutoring'';

(v) in clause (vii), by striking ''and'' after the semicolon;

(vi) in clause (viii), by adding ''and'' after the semicolon;

(vii) by adding at the end the following:

''(ix) domestic violence service programs that provide services and treatment to children and their non-abusing caregivers.''; and

(viii) in clause (v), by striking ''scholastic tutoring'' and inserting ''academic tutoring'';

(5) in paragraph (5), by striking ''family resource and support program'' and inserting ''child abuse and neglect prevention program''; and

(6) in paragraph (6), by inserting a comma after ''operation''.

(b) TECHNICAL AMENDMENT.—Section 206(b) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e(b)) is amended—

(1) by striking ''low income'' and inserting ''low-income''; and

(2) by striking ''family resource and support programs'' and inserting ''child abuse and neglect prevention programs.''.

SEC. 137. CONFORMING AMENDMENTS.

Section 207 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5119f) is amended—

(1) in paragraph (1), by inserting a comma after ''operation'';

(2) in paragraph (2), by inserting ''which description shall specify whether those services are supported by research'' after ''section 202'';

(3) in paragraph (4)—

(A) by striking ''section 205(3)'' and inserting ''section 204(3)''; and

(B) by inserting a comma after ''operation'';

(4) in paragraph (6)—

(A) by inserting a comma after ''local''; and

(B) by inserting a comma after ''expansion''; and

(5) in paragraph (7), by striking ''the results'' and all that follows and inserting ''the results of evaluation, or the outcomes of monitoring, conducted under the State program to demonstrate the effectiveness of activities conducted under this title in meeting the purposes of the program; and''.

SEC. 138. NATIONAL NETWORK FOR COMMUNITY-BASED FAMILY RESOURCE PROGRAMS.

Section 208 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116g) is amended—

(1) in paragraph (1), by inserting a comma after ''operate'';

(2) in paragraph (2), by inserting a comma after ''operate''; and

(3) in paragraph (4), by inserting a comma after ''operate''.

SEC. 139. DEFINITIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2), (3), and (5) as paragraphs (1) through (3), respectively; and

(3) in paragraph (3), as so redesignated—

(A) in the matter preceding subparagraph (A), by inserting '', including the services of crisis nurseries,'' after ''short term care services'';

(B) in subparagraphs (A) and (B), by striking ''abuse or neglect'' and inserting ''child abuse or neglect''; and

(C) in subparagraph (C), by striking ''have'' and all that follows and inserting ''have disabilities or chronic or terminal illnesses.''.

SEC. 140. AUTHORIZATION OF APPROPRIATIONS.

Section 210 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended—

(1) by striking ''2004'' and inserting ''2010''; and

(2) by striking ''2005 through 2008'' and inserting ''2011 through 2015''.

SEC. 141. REDESIGNATION.

Title II of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116 et seq.) is amended by redesignating sections 205 through 210 as sections 204 through 209, respectively.

SEC. 142. TRANSFER OF DEFINITIONS.

(a) GENERAL DEFINITIONS.—The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended by inserting after section 2 the following:

''SEC. 3. GENERAL DEFINITIONS.

''In this Act—

''(1) the term 'child' means a person who has not attained the lesser of—

''(A) the age of 18; or

''(B) except in the case of sexual abuse, the age specified by the child protection law of the State in which the child resides;

''(2) the term 'child abuse and neglect' means, at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;

''(3) the term 'child with a disability' means a child with a disability as defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401), or an infant or toddler with a disability as defined in section 632 of such Act (20 U.S.C. 1432);

''(4) the term 'Governor' means the chief executive officer of a State;

''(5) the terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b);

''(6) the term 'Secretary' means the Secretary of Health and Human Services;

''(7) except as provided in section 106(f), the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

''(8) the term 'unaccompanied homeless youth' means an individual who is described in paragraphs (2) and (6) of section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).''.

(b) CONFORMING AMENDMENTS.—Section 111 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106g), as amended by section 119, is further amended—

(1) by striking paragraphs (1), (2), (3), (5), (9), and (11) of section 111;

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (1), (2), and (3), respectively, and inserting the paragraphs before paragraph (4);

(3) in paragraph (3), as so redesignated, by striking ''and'' at the end;

(4) in paragraph (4), by adding ''and'' at the end; and

(5) by redesignating paragraph (6) as paragraph (5).

Subtitle C—Conforming Amendments

SEC. 151. AMENDMENTS TO TABLE OF CONTENTS.

The table of contents in section 1(b) of the Child Abuse Prevention and Treatment Act is amended—

(1) by inserting after the item relating to section 2 the following:

''Sec. 3. General definitions.'';

(2) by amending the item relating to section 105 to read as follows:

''Sec. 105. Grants to States, Indian tribes or tribal organizations, and public or private agencies and organizations.'';

(3) by amending the item relating to section 106 to read as follows:

''Sec. 106. Grants to States for child abuse or neglect prevention and treatment programs.'';

(4) by striking the item relating to the title heading of title II and inserting the following:

''TITLE II—COMMUNITY-BASED GRANTS FOR THE PREVENTION OF CHILD ABUSE OR NEGLECT'';

and

(5) by striking the items relating to sections 204 through 210 and inserting the following:

''Sec. 204. Application.
''Sec. 205. Local program requirements.
''Sec. 206. Performance measures.
''Sec. 207. National network for community-based family resource programs.
''Sec. 208. Definitions.
''Sec. 209. Authorization of appropriations.''.

TITLE II—FAMILY VIOLENCE PREVENTION AND SERVICES ACT

SEC. 201. FAMILY VIOLENCE PREVENTION AND SERVICES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended to read as follows:

''TITLE III—FAMILY VIOLENCE PREVENTION AND SERVICES

''SEC. 301. SHORT TITLE; PURPOSE.

''(a) SHORT TITLE.—This title may be cited as the 'Family Violence Prevention and Services Act'.

''(b) PURPOSE.—It is the purpose of this title to—

''(1) assist States and Indian tribes in efforts to increase public awareness about, and primary and secondary prevention of, family violence, domestic violence, and dating violence;

''(2) assist States and Indian tribes in efforts to provide immediate shelter and supportive services for victims of family violence, domestic violence, or dating violence, and their dependents;

''(3) provide for a national domestic violence hotline;

''(4) provide for technical assistance and training relating to family violence, domestic violence, and dating violence programs to States and Indian tribes, local public agencies (including law enforcement agencies, courts, and legal, social service, and health care professionals in public agencies), nonprofit private organizations (including faith-based and charitable organizations, community-based organizations, and voluntary associations), tribal organizations, and other persons seeking such assistance and training.

''SEC. 302. DEFINITIONS.

''In this title:

''(1) ALASKA NATIVE.—The term 'Alaska Native' has the meaning given the term 'Native' in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(2) DATING VIOLENCE.—The term 'dating violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(3) DOMESTIC VIOLENCE.—The term 'domestic violence' has the meaning given such term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(4) FAMILY VIOLENCE.—The term 'family violence' means any act or threatened act of violence, including any forceful detention of an individual, that—

''(A) results or threatens to result in physical injury; and

''(B) is committed by a person against another individual (including an elderly individual) to or with whom such person—

''(i) is related by blood;

''(ii) is or was related by marriage or is or was otherwise legally related; or

''(iii) is or was lawfully residing.

''(5) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(6) NATIVE HAWAIIAN.—The term 'Native Hawaiian' has the meaning given the term in section 7207 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7517).

''(7) PERSONALLY IDENTIFYING INFORMATION.—The term 'personally identifying information' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).

''(8) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(9) SHELTER.—The term 'shelter' means the provision of temporary refuge and supportive services in compliance with applicable State law (including regulation) governing the provision, on a regular basis, of shelter, safe homes, meals, and supportive services to victims of family violence, domestic violence, or dating violence, and their dependents.

''(10) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(11) STATE DOMESTIC VIOLENCE COALITION.—The term 'State Domestic Violence Coalition' means a statewide nongovernmental nonprofit private domestic violence organization that—

''(A) has a membership that includes a majority of the primary-purpose domestic violence service providers in the State;

''(B) has board membership that is representative of primary-purpose domestic violence service providers, and which may include representatives of the communities in

which the services are being provided in the State;

''(C) has as its purpose to provide education, support, and technical assistance to such service providers to enable the providers to establish and maintain shelter and supportive services for victims of domestic violence and their dependents; and

''(D) serves as an information clearinghouse, primary point of contact, and resource center on domestic violence for the State and supports the development of polices, protocols, and procedures to enhance domestic violence intervention and prevention in the State.

''(12) SUPPORTIVE SERVICES.—The term 'supportive services' means services for adult and youth victims of family violence, domestic violence, or dating violence, and dependents exposed to family violence, domestic violence, or dating violence, that are designed to—

''(A) meet the needs of such victims of family violence, domestic violence, or dating violence, and their dependents, for short-term, transitional, or long-term safety; and

''(B) provide counseling, advocacy, or assistance for victims of family violence, domestic violence, or dating violence, and their dependents.

''(13) TRIBALLY DESIGNATED OFFICIAL.—The term 'tribally designated official' means an individual designated by an Indian tribe, tribal organization, or nonprofit private organization authorized by an Indian tribe, to administer a grant under section 309.

''(14) UNDERSERVED POPULATIONS.—The term 'underserved populations' has the meaning given the term in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)). For the purposes of this title, the Secretary has the same authority to determine whether a population is an underserved population as the Attorney General has under that section 40002(a).

''SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

''(a) FORMULA GRANTS TO STATES.—

''(1) IN GENERAL.—There is authorized to be appropriated to carry out sections 301 through 312, $175,000,000 for each of fiscal years 2011 through 2015.

''(2) ALLOCATIONS.—

''(A) FORMULA GRANTS TO STATES.—

''(i) RESERVATION OF FUNDS.—For any fiscal year for which the amounts appropriated under paragraph (1) exceed $130,000,000, not less than 25 percent of such excess funds shall be made available to carry out section 312.

''(ii) FORMULA GRANTS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under clause (i), not less than 70 percent shall be used for making grants under section 306(a).

''(B) GRANTS TO TRIBES.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent shall be used to carry out section 309.

''(C) TECHNICAL ASSISTANCE AND TRAINING CENTERS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 6 percent shall be used by the Secretary for making grants under section 310.

''(D) GRANTS FOR STATE DOMESTIC VIOLENCE COALITIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be used by the Secretary for making grants under section 311.

''(E) ADMINISTRATION, EVALUATION AND MONITORING.—Of the amount appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not more than 2.5 percent shall be used by the Secretary for evaluation, monitoring, and other administrative costs under this title.

''(b) NATIONAL DOMESTIC VIOLENCE HOTLINE.—There is authorized to be appropriated to carry out section 313 $3,500,000 for each of fiscal years 2011 through 2015.

''(c) DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.—There is authorized to be appropriated to carry out section 314 $6,000,000 for each of fiscal years 2011 through 2015.

''SEC. 304. AUTHORITY OF SECRETARY.

''(a) AUTHORITIES.—In order to carry out the provisions of this title, the Secretary is authorized to—

''(1) appoint and fix the compensation of such personnel as are necessary;

''(2) procure, to the extent authorized by section 3109 of title 5, United States Code, such temporary and intermittent services of experts and consultants as are necessary;

''(3) make grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities and establish reporting requirements for such grantees and contractors;

''(4) prescribe such regulations and guidance as are reasonably necessary in order to carry out the objectives and provisions of this title, including regulations and guidance on implementing new grant conditions established or provisions modified by amendments made to this title by the CAPTA Reauthorization Act of 2010, to ensure accountability and transparency of the actions of grantees and contractors, or as determined by the Secretary to be reasonably necessary to carry out this title; and

''(5) coordinate programs within the Department of Health and Human Services, and seek to coordinate those programs with programs administered by other Federal agencies, that involve or affect efforts to prevent family violence, domestic violence, and dating violence or the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence.

''(b) ADMINISTRATION.—The Secretary shall—

''(1) assign 1 or more employees of the Department of Health and Human Services to carry out the provisions of this title, including carrying out evaluation and monitoring under this title, which employees shall, prior to such appointment, have expertise in the field of family violence and domestic violence prevention and services and, to the extent practicable, have expertise in the field of dating violence;

''(2) provide technical assistance in the conduct of programs for the prevention and treatment of family violence, domestic violence, and dating violence;

''(3) provide for and coordinate research into the most effective approaches to the intervention in and prevention of family violence, domestic violence, and dating violence, by—

''(A) consulting with experts and program providers within the family violence, domestic violence, and dating violence field to identify gaps in research and knowledge, establish research priorities, and disseminate research findings;

''(B) collecting and reporting data on the provision of family violence, domestic violence, and dating violence services, including assistance and programs supported by Federal funds made available under this title and by other governmental or nongovernmental sources of funds; and

''(C) coordinating family violence, domestic violence, and dating violence research efforts within the Department of Health and Human Services with relevant research administered or carried out by other Federal agencies and other researchers, including research on the provision of assistance for adult and youth victims of family violence, domestic violence, or dating violence; and

''(4) support the development and implementation of effective policies, protocols, and programs within the Department and at other Federal agencies that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence.

''(c) REPORTS.—Every 2 years, the Secretary shall review and evaluate the activities conducted by grantees, subgrantees, and contractors under this title and the effectiveness of the programs administered pursuant to this title, and submit a report containing the evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Such report shall also include a summary of the documentation provided to the Secretary through performance reports submitted under section 306(d). The Secretary shall make publicly available on the Department of Health and Human Services website the evaluation reports submitted to Congress under this subsection, including the summary of the documentation provided to the Secretary under section 306(d).

''SEC. 305. ALLOTMENT OF FUNDS.

''(a) IN GENERAL.—From the sums appropriated under section 303 and available for grants to States under section 306(a) for any fiscal year—

''(1) Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than ⅛ of 1 percent of the amounts available for grants under section 306(a) for the fiscal year for which the allotment is made; and

''(2) each State shall be allotted for a grant under section 306(a), $600,000, with the remaining funds to be allotted to each State in an amount that bears the same ratio to such remaining funds as the population of such State bears to the population of all States.

''(b) POPULATION.—For the purpose of this section, the population of each State, and the total population of all the States, shall be determined by the Secretary on the basis of the most recent census data available to the Secretary, and the Secretary shall use for such purpose, if available, the annual interim current census data produced by the Secretary of Commerce pursuant to section 181 of title 13, United States Code.

''(c) RATABLE REDUCTION.—If the sums appropriated under section 303 for any fiscal year and available for grants to States under section 306(a) are not sufficient to pay in full the total amounts that all States are entitled to receive under subsection (a) for such fiscal year, then the maximum amounts that all States are entitled to receive under subsection (a) for such fiscal year shall be ratably reduced. In the event that additional funds become available for making such grants for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

''(d) REALLOTMENT.—If, at the end of the sixth month of any fiscal year for which sums are appropriated under section 303, the amount allotted to a State has not been made available to such State in a grant under section 306(a) because of the failure of such State to meet the requirements for such a grant, then the Secretary shall reallot such amount to States that meet such requirements.

''(e) CONTINUED AVAILABILITY OF FUNDS.—All funds allotted to a State for a fiscal year under this section, and made available to such State in a grant under section 306(a),

shall remain available for obligation by the State until the end of the following fiscal year. All such funds that are not obligated by the State by the end of the following fiscal year shall be made available to the Secretary for discretionary activities under section 314. Such funds shall remain available for obligation, and for expenditure by a recipient of the funds under section 314, for not more than 1 year from the date on which the funds are made available to the Secretary.

''(f) DEFINITION.—In subsection (a)(2), the term 'State' does not include any jurisdiction specified in subsection (a)(1).

''SEC. 306. FORMULA GRANTS TO STATES.

''(a) FORMULA GRANTS TO STATES.—The Secretary shall award grants to States in order to assist in supporting the establishment, maintenance, and expansion of programs and projects—

''(1) to prevent incidents of family violence, domestic violence, and dating violence;

''(2) to provide immediate shelter, supportive services, and access to community-based programs for victims of family violence, domestic violence, or dating violence, and their dependents; and

''(3) to provide specialized services for children exposed to family violence, domestic violence, or dating violence, underserved populations, and victims who are members of racial and ethnic minority populations.

''(b) ADMINISTRATIVE EXPENSES.—

''(1) ADMINISTRATIVE COSTS.—Each State may use not more than 5 percent of the grant funds for State administrative costs.

''(2) SUBGRANTS TO ELIGIBLE ENTITIES.—The State shall use the remainder of the grant funds to make subgrants to eligible entities for approved purposes as described in section 308.

''(c) GRANT CONDITIONS.—

''(1) APPROVED ACTIVITIES.—In carrying out the activities under this title, grantees and subgrantees may collaborate with and provide information to Federal, State, local, and tribal public officials and agencies, in accordance with limitations on disclosure of confidential or private information as described in paragraph (5), to develop and implement policies to reduce or eliminate family violence, domestic violence, and dating violence.

''(2) DISCRIMINATION PROHIBITED.—

''(A) APPLICATION OF CIVIL RIGHTS PROVISIONS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded in whole or in part with funds made available under this title are considered to be programs and activities receiving Federal financial assistance.

''(B) PROHIBITION ON DISCRIMINATION ON BASIS OF SEX, RELIGION.—

''(i) IN GENERAL.—No person shall on the ground of sex or religion be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part with funds made available under this title. Nothing in this title shall require any such program or activity to include any individual in any program or activity without taking into consideration that individual's sex in those certain instances where sex is a bona fide occupational qualification or programmatic factor reasonably necessary to the normal or safe operation of that particular program or activity.

''(ii) ENFORCEMENT.—The Secretary shall enforce the provisions of clause (i) in accordance with section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–1). Section 603 of such Act (42 U.S.C. 2000d–2) shall apply with respect to any action taken by the Secretary to enforce such clause.

''(iii) CONSTRUCTION.—This subparagraph shall not be construed as affecting any legal remedy provided under any other provision of law.

''(C) ENFORCEMENT AUTHORITIES OF SECRETARY.—Whenever the Secretary finds that a State, Indian tribe, or other entity that has received financial assistance under this title has failed to comply with a provision of law referred to in subparagraph (A), with subparagraph (B), or with an applicable regulation (including one prescribed to carry out subparagraph (B)), the Secretary shall notify the chief executive officer of the State involved or the tribally designated official of the tribe involved and shall request such officer or official to secure compliance. If, within a reasonable period of time, not to exceed 60 days, the chief executive officer or official fails or refuses to secure compliance, the Secretary may—

''(i) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

''(ii) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), sections 504 and 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794(a)), or title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), as may be applicable; or

''(iii) take such other action as may be provided by law.

''(D) ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to subparagraph (C)(i), or whenever the Attorney General has reason to believe that a State, an Indian tribe, or an entity described in subparagraph (C) is engaged in a pattern or practice in violation of a provision of law referred to in subparagraph (A) or in violation of subparagraph (B), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

''(3) INCOME ELIGIBILITY STANDARDS.—No income eligibility standard may be imposed upon individuals with respect to eligibility for assistance or services supported with funds appropriated to carry out this title. No fees may be levied for assistance or services provided with funds appropriated to carry out this title.

''(4) MATCH.—No grant shall be made under this section to any entity other than a State or an Indian tribe unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the program or project for which the grant is awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions in an amount that is not less than $1 for every $5 of Federal funds provided under the grant. The non-Federal contributions required under this paragraph may be in cash or in kind.

''(5) NONDISCLOSURE OF CONFIDENTIAL OR PRIVATE INFORMATION.—

''(A) IN GENERAL.—In order to ensure the safety of adult, youth, and child victims of family violence, domestic violence, or dating violence, and their families, grantees and subgrantees under this title shall protect the confidentiality and privacy of such victims and their families.

''(B) NONDISCLOSURE.—Subject to subparagraphs (C), (D), and (E), grantees and subgrantees shall not—

''(i) disclose any personally identifying information collected in connection with services requested (including services utilized or denied), through grantees' and subgrantees' programs; or

''(ii) reveal personally identifying information without informed, written, reasonably time-limited consent by the person about whom information is sought, whether for this program or any other Federal or State grant program, which consent—

''(I) shall be given by—

''(aa) the person, except as provided in item (bb) or (cc);

''(bb) in the case of an unemancipated minor, the minor and the minor's parent or guardian; or

''(cc) in the case of an individual with a guardian, the individual's guardian; and

''(II) may not be given by the abuser or suspected abuser of the minor or individual with a guardian, or the abuser or suspected abuser of the other parent of the minor.

''(C) RELEASE.—If release of information described in subparagraph (B) is compelled by statutory or court mandate—

''(i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the release of the information; and

''(ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

''(D) INFORMATION SHARING.—Grantees and subgrantees may share—

''(i) nonpersonally identifying information, in the aggregate, regarding services to their clients and demographic nonpersonally identifying information in order to comply with Federal, State, or tribal reporting, evaluation, or data collection requirements;

''(ii) court-generated information and law enforcement-generated information contained in secure, governmental registries for protective order enforcement purposes; and

''(iii) law enforcement- and prosecution-generated information necessary for law enforcement and prosecution purposes.

''(E) OVERSIGHT.—Nothing in this paragraph shall prevent the Secretary from disclosing grant activities authorized in this title to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate and exercising congressional oversight authority. In making all such disclosures, the Secretary shall protect the confidentiality of individuals and omit personally identifying information, including location information about individuals and shelters.

''(F) STATUTORILY PERMITTED REPORTS OF ABUSE OR NEGLECT.—Nothing in this paragraph shall prohibit a grantee or subgrantee from reporting abuse and neglect, as those terms are defined by law, where mandated or expressly permitted by the State or Indian tribe involved.

''(G) PREEMPTION.—Nothing in this paragraph shall be construed to supersede any provision of any Federal, State, tribal, or local law that provides greater protection than this paragraph for victims of family violence, domestic violence, or dating violence.

''(H) CONFIDENTIALITY OF LOCATION.—The address or location of any shelter facility assisted under this title that otherwise maintains a confidential location shall, except with written authorization of the person or persons responsible for the operation of such shelter, not be made public.

''(6) SUPPLEMENT NOT SUPPLANT.—Federal funds made available to a State or Indian tribe under this title shall be used to supplement and not supplant other Federal, State, tribal, and local public funds expended to

provide services and activities that promote the objectives of this title.

''(d) REPORTS AND EVALUATION.—Each grantee shall submit an annual performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the grantee and subgrantee activities that have been carried out with grant funds made available under subsection (a) or section 309, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 307. STATE APPLICATION.

''(a) APPLICATION.—

''(1) IN GENERAL.—The chief executive officer of a State seeking funds under section 306(a) or a tribally designated official seeking funds under section 309(a) shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require.

''(2) CONTENTS.—Each such application shall—

''(A) provide a description of the procedures that have been developed to ensure compliance with the provisions of sections 306(c) and 308(d);

''(B) provide, with respect to funds described in paragraph (1), assurances that—

''(i) not more than 5 percent of such funds will be used for administrative costs;

''(ii) the remaining funds will be distributed to eligible entities as described in section 308(a) for approved activities as described in section 308(b); and

''(iii) in the distribution of funds by a State under section 308(a), the State will give special emphasis to the support of community-based projects of demonstrated effectiveness, that are carried out by nonprofit private organizations and that—

''(I) have as their primary purpose the operation of shelters for victims of family violence, domestic violence, and dating violence, and their dependents; or

''(II) provide counseling, advocacy, and self-help services to victims of family violence, domestic violence, and dating violence, and their dependents;

''(C) in the case of an application submitted by a State, provide an assurance that there will be an equitable distribution of grants and grant funds within the State and between urban and rural areas within such State;

''(D) in the case of an application submitted by a State, provide an assurance that the State will consult with and provide for the participation of the State Domestic Violence Coalition in the planning and monitoring of the distribution of grants to eligible entities as described in section 308(a) and the administration of the grant programs and projects;

''(E) describe how the State or Indian tribe will involve community-based organizations, whose primary purpose is to provide culturally appropriate services to underserved populations, including how such community-based organizations can assist the State or Indian tribe in addressing the unmet needs of such populations;

''(F) describe how activities and services provided by the State or Indian tribe are designed to reduce family violence, domestic violence, and dating violence, including how funds will be used to provide shelter, supportive services, and prevention services in accordance with section 308(b);

''(G) specify the State agency or tribally designated official to be designated as responsible for the administration of programs and activities relating to family violence, domestic violence, and dating violence, that are carried out by the State or Indian tribe under this title, and for coordination of related programs within the jurisdiction of the State or Indian tribe;

''(H) provide an assurance that the State or Indian tribe has a law or procedure that has been implemented for the eviction of an abusing spouse from a shared household; and

''(I) meet such requirements as the Secretary reasonably determines are necessary to carry out the objectives and provisions of this title.

''(b) APPROVAL OF APPLICATION.—

''(1) IN GENERAL.—The Secretary shall approve any application that meets the requirements of subsection (a) and section 306. The Secretary shall not disapprove any application under this subsection unless the Secretary gives the applicant reasonable notice of the Secretary's intention to disapprove and a 6-month period providing an opportunity for correction of any deficiencies.

''(2) CORRECTION OF DEFICIENCIES.—The Secretary shall give such notice, within 45 days after the date of submission of the application, if any of the provisions of subsection (a) or section 306 have not been satisfied in such application. If the State or Indian tribe does not correct the deficiencies in such application within the 6-month period following the receipt of the Secretary's notice, the Secretary shall withhold payment of any grant funds under section 306 to such State or under section 309 to such Indian tribe until such date as the State or Indian tribe provides documentation that the deficiencies have been corrected.

''(3) STATE OR TRIBAL DOMESTIC VIOLENCE COALITION PARTICIPATION IN DETERMINATIONS OF COMPLIANCE.—State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall be permitted to participate in determining whether grantees for corresponding States or Indian tribes are in compliance with subsection (a) and section 306(c), except that no funds made available under section 311 shall be used to challenge a determination about whether a grantee is in compliance with, or to seek the enforcement of, the requirements of this title.

''(4) FAILURE TO REPORT; NONCONFORMING EXPENDITURES.—The Secretary shall suspend funding for an approved application if the applicant fails to submit an annual performance report under section 306(d), or if funds are expended for purposes other than those set forth in section 306(b), after following the procedures set forth in paragraphs (1), (2), and (3).

''SEC. 308. SUBGRANTS AND USES OF FUNDS.

''(a) SUBGRANTS.—A State that receives a grant under section 306(a) shall use grant funds described in section 306(b)(2) to provide subgrants to eligible entities for programs and projects within such State, that is designed to prevent incidents of family violence, domestic violence, and dating violence by providing immediate shelter and supportive services for adult and youth victims of family violence, domestic violence, or dating violence (and their dependents), and that may provide prevention services to prevent future incidents of family violence, domestic violence, and dating violence.

''(b) USE OF FUNDS.—

''(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to provide shelter, supportive services, or prevention services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, which may include—

''(A) provision, on a regular basis, of immediate shelter and related supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, including paying for the operating and administrative expenses of the facilities for such shelter;

''(B) assistance in developing safety plans, and supporting efforts of victims of family violence, domestic violence, or dating violence to make decisions related to their ongoing safety and well-being;

''(C) provision of individual and group counseling, peer support groups, and referral to community-based services to assist family violence, domestic violence, and dating violence victims, and their dependents, in recovering from the effects of the violence;

''(D) provision of services, training, technical assistance, and outreach to increase awareness of family violence, domestic violence, and dating violence and increase the accessibility of family violence, domestic violence, and dating violence services;

''(E) provision of culturally and linguistically appropriate services;

''(F) provision of services for children exposed to family violence, domestic violence, or dating violence, including age-appropriate counseling, supportive services, and services for the nonabusing parent that support that parent's role as a caregiver, which may, as appropriate, include services that work with the nonabusing parent and child together;

''(G) provision of advocacy, case management services, and information and referral services, concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—

''(i) assistance in accessing related Federal and State financial assistance programs;

''(ii) legal advocacy to assist victims and their dependents;

''(iii) medical advocacy, including provision of referrals for appropriate health care services (including mental health, alcohol, and drug abuse treatment), but which shall not include reimbursement for any health care services;

''(iv) assistance locating and securing safe and affordable permanent housing and homelessness prevention services;

''(v) provision of transportation, child care, respite care, job training and employment services, financial literacy services and education, financial planning, and related economic empowerment services; and

''(vi) parenting and other educational services for victims and their dependents; and

''(H) prevention services, including outreach to underserved populations.

''(2) SHELTER AND SUPPORTIVE SERVICES.—Not less than 70 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the primary purpose of providing immediate shelter and supportive services to adult and youth victims of family violence, domestic violence, or dating violence, and their dependents, as described in paragraph (1)(A). Not less than 25 percent of the funds distributed by a State under subsection (a) shall be distributed to entities for the purpose of providing supportive services and prevention services as described in subparagraphs (B) through (H) of paragraph (1).

''(c) ELIGIBLE ENTITIES.—To be eligible to receive a subgrant from a State under this section, an entity shall be—

''(1) a local public agency, or a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, tribal organizations, and voluntary associations), that assists victims of family violence, domestic violence, or dating violence, and their dependents, and has a documented history of effective work concerning family violence, domestic violence, or dating violence; or

''(2) a partnership of 2 or more agencies or organizations that includes—

''(A) an agency or organization described in paragraph (1); and

''(B) an agency or organization that has a demonstrated history of serving populations in their communities, including providing culturally appropriate services.

''(d) CONDITIONS.—

''(1) DIRECT PAYMENTS TO VICTIMS OR DEPENDANTS.—No funds provided under this title may be used as direct payment to any victim of family violence, domestic violence, or dating violence, or to any dependent of such victim.

''(2) VOLUNTARILY ACCEPTED SERVICES.—Receipt of supportive services under this title shall be voluntary. No condition may be applied for the receipt of emergency shelter as described in subsection (b)(1)(A).

''SEC. 309. GRANTS FOR INDIAN TRIBES.

''(a) GRANTS AUTHORIZED.—The Secretary, in consultation with tribal governments pursuant to Executive Order 13175 (25 U.S.C. 450 note) and in accordance with section 903 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 14045d), shall continue to award grants for Indian tribes from amounts appropriated under section 303(a)(2)(B) to carry out this section.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be an Indian tribe, or a tribal organization or nonprofit private organization authorized by an Indian tribe. An Indian tribe shall have the option to authorize a tribal organization or a nonprofit private organization to submit an application and administer the grant funds awarded under this section.

''(c) CONDITIONS.—Each recipient of such a grant shall comply with requirements that are consistent with the requirements applicable to grantees under section 306.

''(d) GRANTEE APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary under section 307 at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives and provisions of this title. The Secretary shall approve any application that meets requirements consistent with the requirements of section 306(c) and section 307(a).

''(e) USE OF FUNDS.—An amount provided under a grant to an eligible entity shall be used for the services described in section 308(b).

''SEC. 310. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE CENTERS.

''(a) PURPOSE AND GRANTS AUTHORIZED.—

''(1) PURPOSE.—The purpose of this section is to provide resource information, training, and technical assistance relating to the objectives of this title to improve the capacity of individuals, organizations, governmental entities, and communities to prevent family violence, domestic violence, and dating violence and to provide effective intervention services.

''(2) GRANTS AUTHORIZED.—From the amounts appropriated under this title and reserved under section 303(a)(2)(C), the Secretary—

''(A) shall award grants to eligible entities for the establishment and maintenance of—

''(i) 2 national resource centers (as provided for in subsection (b)(1)); and

''(ii) at least 7 special issue resource centers addressing key areas of domestic violence, and intervention and prevention (as provided for in subsection (b)(2)); and

''(B) may award grants, to—

''(i) State resource centers to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and

''(ii) support training and technical assistance that address emerging issues related to family violence, domestic violence, or dating violence, to entities demonstrating related expertise.

''(b) DOMESTIC VIOLENCE RESOURCE CENTERS.—

''(1) NATIONAL RESOURCE CENTERS.—In accordance with subsection (a)(2), the Secretary shall award grants to eligible entities for—

''(A) a National Resource Center on Domestic Violence, which shall—

''(i) offer a comprehensive array of technical assistance and training resources to Federal, State, and local governmental agencies, domestic violence service providers, community-based organizations, and other professionals and interested parties, related to domestic violence service programs and research, including programs and research related to victims and their children who are exposed to domestic violence; and

''(ii) maintain a central resource library in order to collect, prepare, analyze, and disseminate information and statistics related to—

''(I) the incidence and prevention of family violence and domestic violence; and

''(II) the provision of shelter, supportive services, and prevention services to adult and youth victims of domestic violence (including services to prevent repeated incidents of violence); and

''(B) a National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women, which shall—

''(i) offer a comprehensive array of technical assistance and training resources to Indian tribes and tribal organizations, specifically designed to enhance the capacity of the tribes and organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(ii) enhance the intervention and prevention efforts of Indian tribes and tribal organizations to respond to domestic violence and increase the safety of Indian women in support of the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42. U.S.C. 3796gg–10 note); and

''(iii) coordinate activities with other Federal agencies, offices, and grantees that address the needs of Indians (including Alaska Natives), and Native Hawaiians that experience domestic violence, including the Office of Justice Services at the Bureau of Indian Affairs, the Indian Health Service of the Department of Health and Human Services, and the Office on Violence Against Women of the Department of Justice.

''(2) SPECIAL ISSUE RESOURCE CENTERS.—In accordance with subsection (a)(2)(A)(ii), the Secretary shall award grants to eligible entities for special issue resource centers, which shall be national in scope and shall provide information, training, and technical assistance to State and local domestic violence service providers. Each special issue resource center shall focus on enhancing domestic violence intervention and prevention efforts in at least one of the following areas:

''(A) The response of the criminal and civil justice systems to domestic violence victims, which may include the response to the use of the self-defense plea by domestic violence victims and the issuance and use of protective orders.

''(B) The response of child protective service agencies to victims of domestic violence and their dependents and child custody issues in domestic violence cases.

''(C) The response of the interdisciplinary health care system to victims of domestic violence and access to health care resources for victims of domestic violence.

''(D) The response of mental health systems, domestic violence service programs, and other related systems and programs to victims of domestic violence and to their children who are exposed to domestic violence.

''(E) In the case of 3 specific resource centers, enhancing domestic violence intervention and prevention efforts for victims of domestic violence who are members of racial and ethnic minority groups, to enhance the cultural and linguistic relevancy of service delivery, resource utilization, policy, research, technical assistance, community education, and prevention initiatives.

''(3) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—

''(A) IN GENERAL.—In accordance with subsection (a)(2), the Secretary may award grants to eligible entities for State resource centers, which shall provide statewide information, training, and technical assistance to Indian tribes, tribal organizations, and local domestic violence service organizations serving Indians (including Alaska Natives) or Native Hawaiians, in a culturally sensitive and relevant manner.

''(B) REQUIREMENTS.—An eligible entity shall use a grant provided under this paragraph—

''(i) to offer a comprehensive array of technical assistance and training resources to Indian tribes, tribal organizations, and providers of services to Indians (including Alaska Natives) or Native Hawaiians, specifically designed to enhance the capacity of the tribes, organizations, and providers to respond to domestic violence, including offering the resources in States in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 2.5 percent of the total population of the State;

''(ii) to coordinate all projects and activities with the national resource center described in paragraph (1)(B), including projects and activities that involve working with nontribal State and local governments to enhance their capacity to understand the unique needs of Indians (including Alaska Natives) and Native Hawaiians; and

''(iii) to provide comprehensive community education and domestic violence prevention initiatives in a culturally sensitive and relevant manner.

''(c) ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible to receive a grant under subsection (b)(1)(A) or subparagraph (A), (B), (C), or (D) of subsection (b)(2), an entity shall be a nonprofit private organization that focuses primarily on domestic violence and that—

''(A) provides documentation to the Secretary demonstrating experience working directly on issues of domestic violence, and (in the case of an entity seeking a grant under subsection (b)(2)) demonstrating experience working directly in the corresponding specific special issue area described in subsection (b)(2);

''(B) includes on the entity's advisory board representatives who are from domestic violence service programs and who are geographically and culturally diverse; and

''(C) demonstrates the strong support of domestic violence service programs from across the Nation for the entity's designation as a national resource center or a special issue resource center, as appropriate.

''(2) NATIONAL INDIAN RESOURCE CENTER.—To be eligible to receive a grant under subsection (b)(1)(B), an entity shall be a tribal organization or a nonprofit private organization that focuses primarily on issues of domestic violence within Indian tribes and that submits documentation to the Secretary demonstrating—

''(A) experience working with Indian tribes and tribal organizations to respond to domestic violence and the findings of section 901 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(B) experience providing Indian tribes and tribal organizations with assistance in developing tribally-based prevention and intervention services addressing domestic violence and safety for Indian women consistent with the purposes of section 902 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3796gg–10 note);

''(C) strong support for the entity's designation as the National Indian Resource Center Addressing Domestic Violence and Safety for Indian Women from advocates working within Indian tribes to address domestic violence and the safety of Indian women;

''(D) a record of demonstrated effectiveness in assisting Indian tribes and tribal organizations with prevention and intervention services addressing domestic violence; and

''(E) the capacity to serve Indian tribes (including Alaska Native villages and regional and village corporations) across the United States.

''(3) SPECIAL ISSUE RESOURCE CENTERS CONCERNED WITH RACIAL AND ETHNIC MINORITY GROUPS.—To be eligible to receive a grant under subsection (b)(2)(E), an entity shall be an entity that—

''(A) is a nonprofit private organization that focuses primarily on issues of domestic violence in a racial or ethnic community, or is a public or private nonprofit educational institution that has a domestic violence institute, center, or program related to culturally specific issues in domestic violence; and

''(B)(i) has documented experience in the areas of domestic violence prevention and services, and experience relevant to the specific racial or ethnic population to which information, training, technical assistance, and outreach would be provided under the grant;

''(ii) demonstrates the strong support, of advocates from across the Nation who are working to address domestic violence; and

''(iii) has a record of demonstrated effectiveness in enhancing the cultural and linguistic relevancy of service delivery.

''(4) STATE RESOURCE CENTERS TO REDUCE TRIBAL DISPARITIES.—To be eligible to receive a grant under subsection (b)(3), an entity shall—

''(A)(i) be located in a State in which the population of Indians (including Alaska Natives) or Native Hawaiians exceeds 10 percent of the total population of the State; or

''(ii) be an Indian tribe, tribal organization, or Native Hawaiian organization that focuses primarily on issues of domestic violence among Indians or Native Hawaiians, or an institution of higher education; and

''(B) demonstrate the ability to serve all regions of the State, including underdeveloped areas and areas that are geographically distant from population centers.

''(d) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary annually and in such manner as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of the activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 311. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

''(a) GRANTS.—The Secretary shall award grants for the funding of State Domestic Violence Coalitions.

''(b) ALLOTMENT OF FUNDS.—

''(1) IN GENERAL.—From the amount appropriated under section 303(a)(2)(D) for each fiscal year, the Secretary shall allot to each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the covered territories an amount equal to 1/56 of the amount so appropriated for such fiscal year.

''(2) DEFINITION.—For purposes of this subsection, the term 'covered territories' means Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

''(c) APPLICATION.—Each State Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary determines to be essential to carry out the objectives of this section. The application submitted by the coalition for the grant shall provide documentation of the coalition's work, satisfactory to the Secretary, demonstrating that the coalition—

''(1) meets all of the applicable requirements set forth in this title; and

''(2) demonstrates the ability to conduct appropriately all activities described in this section, as indicated by—

''(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

''(B) a documented history of active participation in the activities described in paragraphs (1), (3), (4), and (5) of subsection (d) and a demonstrated capacity to conduct the activities described in subsection (d)(2).

''(d) USE OF FUNDS.—A coalition that receives a grant under this section shall use the grant funds for administration and operations to further the purposes of family violence, domestic violence, and dating violence intervention and prevention, through activities that shall include—

''(1) working with local family violence, domestic violence, and dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the State involved, including providing training and technical assistance and conducting State needs assessments;

''(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

''(3) working in collaboration with service providers and community-based organizations to address the needs of family violence, domestic violence, and dating violence victims, and their dependents, who are members of racial and ethnic minority populations and underserved populations;

''(4) collaborating with and providing information to entities in such fields as housing, health care, mental health, social welfare, or business to support the development and implementation of effective policies, protocols, and programs that address the safety and support needs of adult and youth victims of family violence, domestic violence, or dating violence;

''(5) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, including by working with judicial and law enforcement agencies;

''(6) working with family law judges, criminal court judges, child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues in cases of child exposure to family violence, domestic violence, or dating violence and in cases in which—

''(A) family violence, domestic violence, or dating violence is present; and

''(B) child abuse is present;

''(7) providing information to the public about prevention of family violence, domestic violence, and dating violence, including information targeted to underserved populations; and

''(8) collaborating with Indian tribes and tribal organizations (and corresponding Native Hawaiian groups or communities) to address the needs of Indian (including Alaska Native) and Native Hawaiian victims of family violence, domestic violence, or dating violence, as applicable in the State.

''(e) LIMITATION ON USE OF FUNDS.—A coalition that receives a grant under this section shall not be required to use funds received under this title for the purposes described in paragraph (5) or (6) of subsection (d) if the coalition provides an annual assurance to the Secretary that the coalition is—

''(1) using funds received under section 2001(c)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(1)) for such purposes; and

''(2) coordinating the activities carried out by the coalition under subsection (d) with the State's activities under part T of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg et seq.) that address those purposes.

''(f) PROHIBITION ON LOBBYING.—No funds made available to entities under this section shall be used, directly or indirectly, to influence the issuance, amendment, or revocation of any executive order or similar promulgation by any Federal, State, or local agency, or to undertake to influence the passage or defeat of any legislation by Congress, or by any State or local legislative body, or State proposals by initiative petition, except that the representatives of the entity may testify or make other appropriate communication—

''(1) when formally requested to do so by a legislative body, a committee, or a member of the body or committee; or

''(2) in connection with legislation or appropriations directly affecting the activities of the entity.

''(g) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''(h) INDIAN REPRESENTATIVES.—For purposes of this section, a State Domestic Violence Coalition may include representatives of Indian tribes and tribal organizations.

''SEC. 312. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.

''(a) IN GENERAL.—

''(1) PROGRAM.—The Secretary shall establish a grant program to expand the capacity of family violence, domestic violence, and dating violence service programs and community-based programs to prevent future domestic violence by addressing, in an appropriate manner, the needs of children exposed to family violence, domestic violence, or dating violence.

''(2) GRANTS.—The Secretary may make grants to eligible entities through the program established under paragraph (1) for periods of not more than 2 years. If the Secretary determines that an entity has received such a grant and been successful in

meeting the objectives of the grant application submitted under subsection (c), the Secretary may renew the grant for 1 additional period of not more than 2 years.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a local agency, a nonprofit private organization (including faith-based and charitable organizations, community-based organizations, and voluntary associations), or a tribal organization, with a demonstrated record of serving victims of family violence, domestic violence, or dating violence and their children.

''(c) APPLICATION.—An entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require, including—

''(1) a description of how the entity will prioritize the safety of, and confidentiality of information about—

''(A) victims of family violence, victims of domestic violence, and victims of dating violence; and

''(B) children of victims described in subparagraph (A);

''(2) a description of how the entity will provide developmentally appropriate and age-appropriate services, and culturally and linguistically appropriate services, to the victims and children; and

''(3) a description of how the entity will ensure that professionals working with the children receive the training and technical assistance appropriate and relevant to the unique needs of children exposed to family violence, domestic violence, or dating violence.

''(d) USE OF FUNDS.—An entity that receives a grant under this section for a family violence, domestic violence, and dating violence service or community-based program described in subsection (a)—

''(1) shall use the funds made available through the grant—

''(A) to provide direct counseling, appropriate services consistent with subsection (c)(2), or advocacy on behalf of victims of family violence, domestic violence, or dating violence and their children, including coordinating services with services provided by the child welfare system;

''(B) to provide services for nonabusing parents to support those parents' roles as caregivers and their roles in responding to the social, emotional, and developmental needs of their children; and

''(C) where appropriate, to provide the services described in this subsection while working with such a nonabusing parent and child together; and

''(2) may use the funds made available through the grant—

''(A) to provide early childhood development and mental health services;

''(B) to coordinate activities with and provide technical assistance to community-based organizations serving victims of family violence, domestic violence, or dating violence or children exposed to family violence, domestic violence, or dating violence; and

''(C) to provide additional services and referrals to services for children, including child care, transportation, educational support, respite care, supervised visitation, or other necessary services.

''(e) REPORTS AND EVALUATION.—Each entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 313. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

''(a) IN GENERAL.—The Secretary shall award a grant to a nonprofit private entity to provide for the ongoing operation of a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. The Secretary shall give priority to applicants with experience in operating a hotline that provides assistance to adult and youth victims of family violence, domestic violence, or dating violence.

''(b) TERM.—The Secretary shall award a grant under this section for a period of not more than 5 years.

''(c) CONDITIONS ON PAYMENT.—The provision of payments under a grant awarded under this section shall be subject to annual approval by the Secretary and subject to the availability of appropriations for each fiscal year to make the payments.

''(d) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit an application to the Secretary that shall—

''(1) contain such agreements, assurances, and information, be in such form, and be submitted in such manner, as the Secretary shall prescribe;

''(2) include a complete description of the applicant's plan for the operation of a national domestic violence hotline, including descriptions of—

''(A) the training program for hotline personnel, including technology training to ensure that all persons affiliated with the hotline are able to effectively operate any technological systems used by the hotline;

''(B) the hiring criteria and qualifications for hotline personnel;

''(C) the methods for the creation, maintenance, and updating of a resource database;

''(D) a plan for publicizing the availability of the hotline;

''(E) a plan for providing service to non-English speaking callers, including service through hotline personnel who have non-English language capability;

''(F) a plan for facilitating access to the hotline by persons with hearing impairments; and

''(G) a plan for providing assistance and referrals to youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

''(3) demonstrate that the applicant has recognized expertise in the area of family violence, domestic violence, or dating violence and a record of high quality service to victims of family violence, domestic violence, or dating violence, including a demonstration of support from advocacy groups and State Domestic Violence Coalitions;

''(4) demonstrate that the applicant has the capacity and the expertise to maintain a domestic violence hotline and a comprehensive database of service providers;

''(5) demonstrate the ability to provide information and referrals for callers, directly connect callers to service providers, and employ crisis interventions meeting the standards of family violence, domestic violence, and dating violence providers;

''(6) demonstrate that the applicant has a commitment to diversity and to the provision of services to underserved populations, including to ethnic, racial, and non-English speaking minorities, in addition to older individuals and individuals with disabilities;

''(7) demonstrate that the applicant complies with nondisclosure requirements as described in section 306(c)(5) and follows comprehensive quality assurance practices; and

''(8) contain such other information as the Secretary may require.

''(e) HOTLINE ACTIVITIES.—

''(1) IN GENERAL.—An entity that receives a grant under this section for activities described, in whole or in part, in subsection (a) shall use funds made available through the grant to establish and operate a 24-hour, national, toll-free telephone hotline to provide information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, and other individuals described in subsection (a).

''(2) ACTIVITIES.—In establishing and operating the hotline, the entity—

''(A) shall contract with a carrier for the use of a toll-free telephone line;

''(B) shall employ, train (including providing technology training), and supervise personnel to answer incoming calls, provide counseling and referral services for callers on a 24-hour-a-day basis, and directly connect callers to service providers;

''(C) shall assemble and maintain a database of information relating to services for adult and youth victims of family violence, domestic violence, or dating violence to which callers may be referred throughout the United States, including information on the availability of shelters and supportive services for victims of family violence, domestic violence, or dating violence;

''(D) shall widely publicize the hotline throughout the United States, including to potential users;

''(E) shall provide assistance and referrals to meet the needs of underserved populations and individuals with disabilities;

''(F) shall provide assistance and referrals for youth victims of domestic violence and for victims of dating violence who are minors, which may be carried out through a national teen dating violence hotline;

''(G) may provide appropriate assistance and referrals for family and household members of victims of family violence, domestic violence, or dating violence, and persons affected by the victimization described in subsection (a); and

''(H) at the discretion of the hotline operator, may provide assistance, or referrals for counseling or intervention, for identified adult and youth perpetrators, including self-identified perpetrators, of family violence, domestic violence, or dating violence, but shall not be required to provide such assistance or referrals in any circumstance in which the hotline operator fears the safety of a victim may be impacted by an abuser or suspected abuser.

''(f) REPORTS AND EVALUATION.—The entity receiving a grant under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe the activities that have been carried out with such grant funds, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require.

''SEC. 314. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES (DELTA).

''(a) IN GENERAL.—The Secretary shall enter into cooperative agreements with State Domestic Violence Coalitions for the purposes of establishing, operating, and maintaining local community projects to prevent family violence, domestic violence, and dating violence, including violence committed by and against youth, using a coordinated community response model and through prevention and education programs.

''(b) TERM.—The Secretary shall enter into a cooperative agreement under this section for a period of not more than 5 fiscal years.

''(c) CONDITIONS ON PAYMENT.—The provision of payments under a cooperative agreement under this section shall be subject to—

''(1) annual approval by the Secretary; and

''(2) the availability of appropriations for each fiscal year to make the payments.

''(d) ELIGIBILITY.—To be eligible to enter into a cooperative agreement under this section, an organization shall—

''(1) be a State Domestic Violence Coalition; and

''(2) include representatives of pertinent sectors of the local community, which may include—

''(A) health care providers and State or local health departments;

''(B) the education community;

''(C) the faith-based community;

''(D) the criminal justice system;

''(E) family violence, domestic violence, and dating violence service program advocates;

''(F) human service entities such as State child services divisions;

''(G) business and civic leaders; and

''(H) other pertinent sectors.

''(e) APPLICATIONS.—An organization that desires to enter into a cooperative agreement under this section shall submit to the Secretary an application, in such form and in such manner as the Secretary shall require, that—

''(1) demonstrates the capacity of the applicant, who may enter into a partnership with a local family violence, domestic violence, or dating violence service provider or community-based organization, to undertake the project involved;

''(2) demonstrates that the project will include a coordinated community response to improve and expand prevention strategies through increased communication and coordination among all affected sectors of the local community;

''(3) includes a complete description of the applicant's plan for the establishment and implementation of the coordinated community response, including a description of—

''(A) the method to be used for identification and selection of an administrative committee made up of persons knowledgeable about comprehensive family violence, domestic violence, and dating violence prevention planning to oversee the project, hire staff, assure compliance with the project outline, and secure annual evaluation of the project;

''(B) the method to be used for identification and selection of project staff and a project evaluator;

''(C) the method to be used for identification and selection of a project council consisting of representatives of the community sectors listed in subsection (d)(2); and

''(D) the method to be used for identification and selection of a steering committee consisting of representatives of the various community sectors who will chair subcommittees of the project council, each of which will focus on 1 of the sectors;

''(4) demonstrates that the applicant has experience in providing, or the capacity to provide, prevention-focused training and technical assistance;

''(5) demonstrates that the applicant has the capacity to carry out collaborative community initiatives to prevent family violence, domestic violence, and dating violence; and

''(6) contains such other information, agreements, and assurances as the Secretary may require.

''(f) GEOGRAPHICAL DISPERSION.—The Secretary shall enter into cooperative agreements under this section with organizations in States geographically dispersed throughout the Nation.

''(g) USE OF FUNDS.—

''(1) IN GENERAL.—An organization that enters into a cooperative agreement under subsection (a) shall use the funds made available through the agreement to establish, operate, and maintain comprehensive family violence, domestic violence, and dating violence prevention programming.

''(2) TECHNICAL ASSISTANCE, EVALUATION AND MONITORING.—The Secretary may use a portion of the funds provided under this section to—

''(A) provide technical assistance;

''(B) monitor the performance of organizations carrying out activities under the cooperative agreements; and

''(C) conduct an independent evaluation of the program carried out under this section.

''(3) REQUIREMENTS.—In establishing and operating a project under this section, an eligible organization shall—

''(A) establish protocols to improve and expand family violence, domestic violence, and dating violence prevention and intervention strategies within affected community sectors described in subsection (d)(2);

''(B) develop comprehensive prevention plans to coordinate prevention efforts with other community sectors;

''(C) provide for periodic evaluation of the project, and analysis to assist in replication of the prevention strategies used in the project in other communities, and submit a report under subsection (h) that contains the evaluation and analysis;

''(D) develop, replicate, or conduct comprehensive, evidence-informed primary prevention programs that reduce risk factors and promote protective factors that reduce the likelihood of family violence, domestic violence, and dating violence, which may include—

''(i) educational workshops and seminars;

''(ii) training programs for professionals;

''(iii) the preparation of informational material;

''(iv) developmentally appropriate education programs;

''(v) other efforts to increase awareness of the facts about, or to help prevent, family violence, domestic violence, and dating violence; and

''(vi) the dissemination of information about the results of programs conducted under this subparagraph;

''(E) utilize evidence-informed prevention program planning; and

''(F) recognize, in applicable cases, the needs of underserved populations, racial and linguistic populations, and individuals with disabilities.

''(h) REPORTS AND EVALUATION.—Each organization entering into a cooperative agreement under this section shall submit a performance report to the Secretary at such time as shall be reasonably required by the Secretary. Such performance report shall describe activities that have been carried out with the funds made available through the agreement, contain an evaluation of the effectiveness of such activities, and provide such additional information as the Secretary may reasonably require. The Secretary shall make the evaluations received under this subsection publicly available on the Department of Health and Human Services website. The reports shall also be submitted to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate.''.

SEC. 202. AMENDMENTS TO OTHER LAWS.

(a) TITLE 11, UNITED STATES CODE.—Section 707(b)(2)(A)(ii)(I) of title 11, United States Code, is amended in the 4th sentence by striking ''section 309 of the Family Violence Prevention and Services Act'' and inserting ''section 302 of the Family Violence Prevention and Services Act''.

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 635(c)(2)(G) of the Individuals with Disabilities Education Act (20 U.S.C. 1435(c)(2)(G)) is amended by striking ''section 320 of the Family Violence Prevention and Services Act'' and inserting ''section 302 of the Family Violence Prevention and Services Act''.

(c) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—Section 2001(c)(2)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg(c)(2)(A)) is amended by striking ''through the Family Violence Prevention and Services Act (42 U.S.C. 10410 et seq.)'' and inserting ''under section 311 of the Family Violence Prevention and Services Act''.

(d) VIOLENCE AGAINST WOMEN ACT OF 1994.—Section 40002(a)(26) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(26)) is amended by striking ''under the Family Violence Prevention and Services Act (42 U.S.C. 10410(b))'' and inserting ''under sections 302 and 311 of the Family Violence Prevention and Services Act''.

(e) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—The portion of section 310004(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14214(d)) that pertains to the definition of the term ''prevention program'' is amended—

(1) in paragraph (20), by striking ''section 40211'' and inserting ''section 313 of the Family Violence Prevention and Services Act (relating to a hotline)'';

(2) in paragraph (22), by striking ''section 40241'' and inserting ''sections 301 through 312 of the Family Violence Prevention and Services Act''; and

(3) in paragraph (24), by striking ''section 40261'' and inserting ''section 314 of the Family Violence Prevention and Services Act (relating to community projects to prevent family violence, domestic violence, and dating violence)''.

TITLE III—CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM ACT OF 1978

SEC. 301. CHILD ABUSE PREVENTION AND TREATMENT AND ADOPTION REFORM.

(a) FINDINGS.—Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) FINDINGS.—Congress finds that—

''(1) on the last day of fiscal year 2009, some 424,000 children were living in temporary foster family homes or other foster care settings;

''(2) most children in foster care are victims of child abuse or neglect by their biological parents and their entry into foster care brought them the additional trauma of separation from their homes and often their communities;

''(3) on average, children entering foster care have more physical and mental health needs than do children in the general population, and some require intensive services because the children entering foster care—

''(A) were born to mothers who did not receive prenatal care;

''(B) were born with life-threatening conditions or disabilities;

''(C) were born addicted to alcohol or other drugs; or

''(D) have HIV/AIDS;

''(4) each year, thousands of children in foster care, regardless of their age, the size of the sibling group they are a part of, their racial or ethnic status, their medical condition, or any physical, mental or emotional disability they may have, are in need of placement with permanent, loving, adoptive families;

''(5)(A) States have made important strides in increasing the number of children who are placed in permanent homes with adoptive parents and in reducing the length of time children wait for such a placement; and

''(B) many thousands of children, however, still remain in institutions or foster homes solely because of legal and other barriers to such a placement;

''(6)(A) on the last day of fiscal year 2009, there were 115,000 children waiting for adoption;

''(B) children waiting for adoption have had parental rights of all living parents terminated or the children have a permanency goal of adoption;

''(C)(i) the average age of children adopted with public child welfare agency involvement during fiscal year 2009 was a little more than 6 years; and

''(ii) the average age of children waiting for adoption on the last day of that fiscal year was a little more than 8 years of age and more than 30,000 of those children were 12 years of age or older; and

''(D)(i) 25 percent of the children adopted with public child welfare agency involvement during fiscal year 2009 were African-American; and

''(ii) 30 percent of the children waiting for adoption on the last day of fiscal year 2009 were African-American;

''(7) adoption may be the best alternative for assuring the healthy development of children placed in foster care;

''(8) there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement and adoption; and

''(9) in order both to enhance the stability of and love in the home environments of such children and to avoid wasteful expenditures of public funds, such children—

''(A) should not have medically indicated treatment withheld from them; or

''(B) be maintained in foster care or institutions when adoption is appropriate and families can be found for such children.''; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting ''older children, minority children, and'' after ''particularly''; and

(B) by striking paragraph (2) and inserting the following:

''(2) maintain an Internet-based national adoption information exchange system to—

''(A) bring together children who would benefit from adoption and qualified prospective adoptive parents who are seeking such children;

''(B) conduct national recruitment efforts in order to reach prospective parents for children awaiting adoption; and

''(C) connect placement agencies, prospective adoptive parents, and adoptive parents to resources designed to reduce barriers to adoption, support adoptive families, and ensure permanency; and''.

(b) INFORMATION AND SERVICES.—Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a), by striking all that follows ''facilitate the adoption of'' and inserting ''older children, minority children, and children with special needs, particularly infants and toddlers with disabilities who have life-threatening conditions, and services to couples considering adoption of children with special needs.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''and'' after ''regarding adoption'' and inserting a comma; and

(ii) by inserting '', and post-legal adoption services'' after ''adoption assistance programs'';

(B) in paragraph (2), by inserting '', including efforts to promote the adoption of older children, minority children, and children with special needs'' after ''national level'';

(C) in paragraph (7)—

(i) by striking ''study the efficacy of States contracting with'' and inserting ''increase the effective use of'';

(ii) by striking the comma after ''organizations)'' and inserting ''by States,'';

(iii) by inserting a comma after ''institutions''; and

(iv) by inserting '', including assisting in efforts to work with organizations that promote the placement of older children, minority children, and children with special needs'' after ''children for adoption'';

(D) in paragraph (9)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by adding ''and'' after the semicolon at the end; and

(iii) by adding at the end the following:

''(D) identify best practices to reduce adoption disruption and termination;''; and

(E) in paragraph (10)—

(i) in the matter preceding subparagraph (A), by inserting ''tribal child welfare agencies,'' after ''local government entities,''; and

(ii) in subparagraph (A)—

(I) in clause (ii), by inserting '', including developing and using procedures to notify family and relatives when a child enters the child welfare system'' before the semicolon at the end;

(II) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively; and

(III) by inserting after clause (vi) the following:

''(vii) education and training of prospective adoptive or adoptive parents;''; and

(3) in subsection (d)—

(A) in paragraph (1), by striking the second sentence and all that follows; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the second sentence, by inserting '', consistent with the purpose of this title'' after ''by the Secretary''; and

(II) by striking the third sentence and inserting the following: ''Each application shall contain information that—

''(i) describes how the State plans to improve the placement rate of children in permanent homes;

''(ii) describes the methods the State, prior to submitting the application, has used to improve the placement of older children, minority children, and children with special needs, who are legally free for adoption;

''(iii) describes the evaluation the State plans to conduct, to identify the effectiveness of programs and methods of placement under this subsection, and submit to the Secretary; and

''(iv) describes how the State plans to coordinate activities under this subsection with relevant activities under section 473 of the Social Security Act (42 U.S.C. 673).'';

(ii) in subparagraph (B)(i), by inserting ''older children, minority children, and'' after ''successful placement of''; and

(iii) by adding at the end the following:

''(C) EVALUATION.—The Secretary shall compile the results of evaluations submitted by States (described in subparagraph (A)(iii)) and submit a report containing the compiled results to the appropriate committees of Congress.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a)—

(A) by striking ''2004'' and inserting ''2010''; and

(B) by striking ''2005 through 2008'' and inserting ''2011 through 2015'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

''(b) Not less than 30 percent and not more than 50 percent of the funds appropriated under subsection (a) shall be allocated for activities under subsections (b)(10) and (c) of section 203.''.

TITLE IV—ABANDONED INFANTS ASSISTANCE ACT OF 1988

SEC. 401. ABANDONED INFANTS ASSISTANCE.

(a) FINDINGS.—Section 2 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa) is amended—

(1) in paragraph (4), by striking ''including those'' and all that follows through ''(AIDS)'' and inserting ''including those with HIV/AIDS''; and

(2) in paragraph (5), by striking ''acquired immune deficiency syndrome'' and inserting ''HIV/AIDS''.

(b) REPEAL.—Title II of the Abandoned Infants Assistance Act of 1988 (Public Law 100–505; 102 Stat. 2536) is repealed.

(c) DEFINITIONS.—Section 301 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa–21) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 302 of the Abandoned Infants Assistance Act of 1988 (42 U.S.C. 5117aa–22) is amended—

(1) in subsection (a)(1)—

(A) by striking ''2004'' and inserting ''2010''; and

(B) by striking ''2005 through 2008'' and inserting ''2011 through 2015''; and

(2) in subsection (b)(2), by striking ''fiscal year 2003'' and inserting ''fiscal year 2010''.

REMOVAL CLARIFICATION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 5281 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5281) to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, the Removal Clarification Act of 2010 is an important piece of legislation that will

clarify a Federal agency or officer's ability to remove State judicial proceedings to Federal court. The bill has strong support from both sides of the aisle, and was passed by the House of Representatives without opposition. I have worked with Senator SESSIONS on an amendment to further clarify the rules governing removal to Federal court of State judicial proceedings when judicial orders including subpoenas are issued to Federal agencies or officials.

Existing law allows removal to Federal court of any ''civil action or criminal prosecution'' that is ''commenced in a State court'' against a Federal agency or officer. However, there is a question whether a subpoena directed toward a Federal agency or officer itself constitutes a ''civil action or criminal prosecution'' that allows removal under section 1442. While some courts have allowed removal in these situations, others have not. Compare *Brown & Williamson Tobacco Corp.* v. *Williams*, 62 F.3d 408, 413–15, D.C. Cir. 1995 with *Indiana* v. *Adams*, 892 F.Supp. 1101, S.D. Ind. 1995, *Alabama* v. *Stephens*, 876 F.Supp. 263, M.D. Ala. 1995, *Price* v. *Johnson*, 600 F.3d 460, 5th Cir. 2010 (dismissing appeal of district court's refusal to allow removal of subpoena proceeding against congresswoman).

The Removal Clarification Act of 2010 resolves this split in authority by amending section 1442 to clarify that the section allows removal of any proceeding in which a judicial order, including a subpoena for testimony or documents, is sought from or issued to a Federal agency or officer.

Earlier versions of this bill did not expressly address whether removal under the new statute would be limited to just the subpoena proceeding, in a case that is otherwise purely between private litigants but in which a Federal agency or officer has been subpoenaed, or whether the whole case would be removed. Members in both the House and Senate agree that in cases involving only the issuance of a subpoena to a Federal agency or officer, only the subpoena proceeding should be removed and the remainder of the civil action or criminal prosecution should remain in State court.

Some courts that currently allow removal of a subpoena proceeding have made it their practice to remove only that proceeding if the rest of the case is not otherwise removable. I cite e.g., *Pollock* v. *Barbarosa Group, Inc.*, 478 F. Supp.2d 410, W.D.N.Y. 2007; *In re Subpoena in Collins*, 524 F.3d 249, D.C. Cir. 2008; *Colorado* v. *Rodarte*, 2010 WL 924099, D. Colo. 2010. Other courts, however, have held that the entire case should be removed, even if no Federal officer was a defendant in the underlying suit and the case is not otherwise removable. I cite e.g., *Swett* v. *Schenk*, 792 F.2d 1447, 1450–51, 9th Cir. 1986; *Ferrell* v. *Yarberry*, 848 F.Supp. 121, E.D. Ark. 1994. Moreover, while these cases at least hold that the district court may remand the case to the State court once the subpoena proceeding is resolved, other courts hold that once a case is removed under section 1442, there is no authority to remand the case to the State court even after the Federal issue is resolved. I cite e.g., *Jamison* v. *Wiley*, 14 F.3d 222, 238–39, 4th Cir. 1994.

To make clear that removal of a subpoena proceeding, or other minor proceeding, is limited only to that proceeding if the case is not otherwise removable, the Senate amendment to this bill adds a second sentence to section 1442(c) that provides: ''If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.''

The language of 1442(c) is intended to be broad because it seeks to encompass not only subpoenas for testimony or documents, but also any other kind of judicial process that state courts could direct to Federal officers in relation to the performance of their official duties. The parenthetical clause in the first sentence of 1442(c) specifying that the proceeding need not be ancillary is added because some states allow subpoenas to be issued, or direct other judicial orders toward persons, before a complaint has even been filed. This was the situation in the Price v. Johnson case, which occurred earlier this year. When such pre-suit proceedings occur, they cannot be described as ancillary because there is nothing for them to be ancillary to.

Although the language in the first sentence of section 1442(c) is broad, I should make clear that it does not encompass all judicial proceedings. A proceeding in which a ''judicial order . . . is sought or issued'' means a minor proceeding, such as a subpoena proceeding, but does not include the complaint for relief itself. The second sentence of section 1442(c) would therefore not apply to a case in which a complaint for relief or a criminal prosecution has been brought against a Federal agency or officer, or a case that is removable under any other section of the United States Code. If the Federal agency or officer is a defendant in the underlying case, the normal rule, as described in section 3726 of Wright & Miller's Federal Practice and Procedure, would continue to apply:

Because Section 1442(a)(1) authorizes removal of the entire case even if only one of the controversies it raises involves a federal officer or agency, the section creates a species of statutorily-mandated supplemental subject-matter jurisdiction. The district court can exercise its discretion to decline jurisdiction over the supplemental claims if the federal agency drops out of the case, or even if the federal defendant remains a litigant. Whether the supplemental claims should be remanded if the federal officer's ''anchor'' claim is dismissed or settled, or if the supplemental claims have been asserted against non-federal parties, depends on considerations of comity, federalism, judicial economy, and fairness to litigants.

Changes made by this bill to section 1442 are not intended to displace ''the requirement that federal officer removal must be predicated on the allegation of a colorable federal defense.'' I cite *Mesa* v. *California*, 489 U.S. 121, 129, 1989. This legislation also does not displace the settled rule that ''the invocation of removal jurisdiction by a Federal officer does not revise or alter the underlying law to be applied. In this respect, it is a purely derivative form of jurisdiction, neither enlarging nor contracting the rights of the parties.'' I cite *Arizona* v. *Manypenny*, 451 U.S. 232, 242, 1981.

The new time limit created by section 1446(g) allows a Federal agency or officer subpoenaed to seek removal either within 30 days of receiving, through service, notice of when the subpoena is requested or issued or 30 days of receiving, through service, notice of when the same subpoena is sought to be enforced. This new subsection allows a Federal agency or officer to remove a pre-suit subpoena proceeding to Federal court before any complaint is filed, and also effectively allows a Federal officer who has been subpoenaed to wait until the subpoena is sought to be enforced before seeking removal.

I thank Senator SESSIONS for working with me to clarify the House's bipartisan bill. I also thank Representative HANK JOHNSON for working with us to explain the purposes and intricacies of this procedural issue.

Mr. DURBIN. I further ask the amendment which is at the desk be agreed to, the bill, as amended, be read a third time, and the clerk read a pay-go statement for the record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4732) was agreed to, as follows:

On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting ''that is'' after ''or criminal prosecution'';

(B) by inserting ''and that is'' after ''in a State court''; and

(C) by inserting ''or directed to'' after ''against''; and

(2) by adding at the end the following:

''(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.''.

On page 3, strike lines 4 through 19 and insert the following:

''(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding.''.

On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The amendment was ordered to be engrossed and the bill read a third time.

The bill (H.R. 5281), as amended, was read the third time.

The assistant legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 5281, as amended.

Total Budgetary Effects of H.R. 5281 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of H.R. 5281 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 5281, THE REMOVAL CLARIFICATION ACT OF 2010, WITH AMENDMENTS (HEN10A39) PROVIDED TO CBO ON DECEMBER 1, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

Source: Congressional Budget Office.
Note: H.R. 5281 would clarify when certain litigation is moved to federal courts. This legislation would increase the number of cases handled by the federal courts; however, CBO estimates that it would have no significant effect on direct spending by the federal court system.

Mr. DURBIN. Further, I ask unanimous consent that the bill be passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5281), as amended, was read the third time and passed, as follows:

H.R. 5281

Resolved, That the bill from the House of Representatives (H.R. 5281) entitled ''An Act to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes.'', do pass with the following amendments:

(1)On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting ''that is'' after ''or criminal prosecution'';

(B) by inserting ''and that is'' after ''in a State court''; and

(C) by inserting ''or directed to'' after ''against''; and

(2) by adding at the end the following:

''(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.''.

(2)On page 3, strike lines 4 through 19 and insert the following:

''(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding.''.

(3)On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

MEASURE READ THE FIRST TIME—S. 4006

Mr. DURBIN. Mr. President, I understand there is a bill at the desk and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4006) to provide for the use of unobligated discretionary stimulus dollars to address AIDS Assistance Program waiting lists and other cost containment measures impacting State ADAP programs.

Mr. DURBIN. I now ask for the second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

FOR THE RELIEF OF SHIGERU YAMADA

FOR THE RELIEF OF HOTARU NAKAMA FERSCHKE

Mr. DURBIN. Mr. President, I ask unanimous consent the Committee on the Judiciary be discharged from further consideration and the Senate proceed to the en bloc consideration of S. 124 and S. 1774, two private relief bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent the amendment at the desk be agreed to, the bills, as amended, if amended, be read a third time and the budgetary pay-go statement be read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 1774.

Total Budgetary Effects of S. 1774 for the 5-year Statutory PAYGO Scorecard: $0.

Total Budgetary Effects of S. 1774 for the 10-year Statutory PAYGO Scorecard: $0.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 1774, A BILL FOR THE RELIEF OF HOTARU NAKAMA FERSCHKE, WITH AN AMENDMENT (EAS10517) PROVIDED TO CBO ON DECEMBER 2, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
Net Increase or Decrease (−) in the Deficit												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

S. 1774 would make Hotaru Nakama Ferschke eligible for permanent U.S. residence. CBO estimates that it would have no significant effect on direct spending by the Department of Homeland Security or on federal assistance programs.

The amendment (No. 4733) was agreed to, as follows:

(Purpose: To add PAYGO language)

At the end, add the following:

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall

be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The bill (S. 124) was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 1774), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. DURBIN. I ask the bills now be passed, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 124) was passed, as follows:

S. 124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of the enactment of this Act.

(c) APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act (8 U.S.C. 1152(e)).

The bill (S. 1774), as amended, was passed, as follows:

S. 1774

SECTION 1. PERMANENT RESIDENT STATUS FOR HOTARU NAKAMA FERSCHKE.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Hotaru Nakama Ferschke shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of such Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Hotaru Nakama Ferschke enters the United States before the filing deadline specified in subsection (c), she shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Hotaru Nakama Ferschke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

ORDER OF PROCEDURE—H.R. 4853

Mr. DURBIN. Mr. President, I ask unanimous consent that the time under Democratic control during the debate in relation to the House Message on H.R. 4853 on Saturday, December 4, be equally divided between Senators SCHUMER and BAUCUS or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 98–183, as amended by Public Law 103–419, appoints the following individual to the United States Commission on Civil Rights: Alice C. ''Dina'' Titus of Nevada vice Arlan D. Melendez of Nevada.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR SATURDAY, DECEMBER 4, 2010

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 8:15 a.m. on Saturday, December 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the House Message on H.R. 4853, the legislative vehicle for the tax cuts, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect up to two rollcall votes to begin at approximately 10:30 tomorrow morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bill or joint resolution today, Friday, December 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 8:15 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 3:31 p.m., adjourned until Saturday, December 4, 2010, at 8:15 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL COUNCIL ON DISABILITY

JANICE LEHRER-STEIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013, VICE VICTORIA RAY CARLSON, TERM EXPIRED.

DEPARTMENT OF LABOR

LEON RODRIGUEZ, OF MARYLAND, TO BE ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR, VICE PAUL DECAMP.

DEPARTMENT OF COMMERCE

KATHRYN D. SULLIVAN, OF OHIO, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE PHILLIP A. SINGERMAN.